

**Application to USEPA Region IV  
for Solid Waste Permit Program Approval  
in Accordance with  
Section 4005(c) of Subtitle D of the  
Resource Conservation and Recovery Act**

Georgia Department of Natural Resources  
Environmental Protection Division  
July 27, 1993

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## **List of Attachments**

Rules for Solid Waste Management, Chapter 391-3-4	
Official Code of Georgia Annotated (O.C.G.A.) Volume 10, Title 12, as amended through 1993	
Application For Solid Waste Handling Permit and Request For Site Suitability (SWM-0)	
Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia (Circular 14)	
Inspection and Enforcement Procedures	
Municipal Solid Waste Landfill Evaluation Report	
Proposed EPD Manual for Methane Gas Monitoring	
Compliance Monitoring - Complaint Investigations	
Training and Certification of Operators and Regulatory Staff Personnel	
Georgia's Municipal Solid Waste Landfills: 1992 Overview Report	
Comprehensive Municipal Solid Waste Landfill Survey	
Hydrologic Atlas #20 (includes Hydrologic Atlas #18)	
Rules for Hazardous Waste Management, Chapter 391-3-11	



## **I. Introduction**

In 1971 Georgia's solid waste was disposed of in 416 open dumps and four municipal solid waste incinerators. A survey of these open dumps revealed that 29 percent required no soil cover, 81 percent allowed open burning, 78 percent had rodent problems and 16 percent had potential groundwater pollution problems.

Efforts to effectively manage solid waste in Georgia appeared with the enactment of the Georgia Solid Waste Management Act of 1972. Responsibilities for implementing the solid waste requirements under this law were assigned to the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources (DNR).

Since the passage of the 1972 law, all four of the solid waste incinerators, which could not meet the air quality standards enacted during the 1970's, have been closed. Since then, a 500 ton per day mass burn waste-to-energy facility has been constructed and is in operation in Savannah. So too, all 416 open dumps have been closed and replaced by 181 permitted municipal solid waste landfills. Thus, the 1972 law has been effective in addressing concerns with solid waste as they were understood when the law was passed.

Conditions relating to municipal solid waste in Georgia have changed since 1972. There are some two million more people in the state today and the per capita production of municipal solid waste has increased significantly. The Solid Waste Management Act and the Rules for Solid Waste Management have been amended on numerous occasions since 1972. The current law and rules require municipal solid waste landfills to obtain permits which require that these landfills be designed and constructed utilizing liners and leachate collection systems, groundwater monitoring systems, and numerous other environmental safeguards.

The current rules also require owner/operators of municipal solid waste landfill to comply with specific siting criteria, design and operation standards, performance standards, closure and post closure standards and financial responsibility standards.

In order to obtain full U.S. E.P.A. approval of Georgia's solid waste permitting program, revision of the Rules for Solid Waste Management, Chapter 391-3-4 were required. These revisions were adopted by the Georgia Board of Natural Resources in May, 1993 and became effective June 27, 1993.

## **II. Jurisdiction and Responsibilities**

The Official Code of Georgia Annotated (O.C.G.A.) Volume 10, Title 12, as amended through 1993, specifically O.C.G.A. 12-8-23.1, gives the Director of the Environmental Protection Division of the Department of Natural Resources the primary responsibility for implementation of the solid waste management program. The Director is also instructed to coordinate his activities with those of other state agencies and local political jurisdictions to achieve a unified and effective solid waste management program. Finally, under state law, it is the responsibility of the State Attorney General's office to represent all state agencies.

### **III. Number of Municipal Solid Waste Landfills**

At the present time there are 181 municipal solid waste landfills (MSWLF's) in Georgia. Of these, 164 are owned and operated by city and county governments and 17 are privately owned.

Ten of the facilities have synthetic liners and leachate collection systems and are the least likely to be affected by the implementation of CFR 40 Part 258 requirements. Another 56 facilities have less than one year of remaining capacity or have indicated they will close by October 9, 1993. The final 115 facilities have permitted capacity beyond October 9, 1993. This final group of sites will be most affected by CFR 40 Part 258 regulations.

There are also 61 new sites in the permitting or construction phase. All of these sites are to have synthetic liners and leachate collection systems. Of these 61 sites, 13 have been permitted and are under construction, one (1) has been permitted but its permit is under appeal and 33 are presently in the permitting process, either under design or requesting site suitability.

### **IV. Staff Resources for MSWLF Permit Program Implementation**

Georgia's solid waste programs are part of the Land Protection Branch. The staff resources available include programs at the central location in Atlanta and at four regional offices throughout the state (see Tables 1 and 2). The units at the central location are Solid Waste Permitting, Solid Waste Compliance and Planning and Waste Reduction.

Solid Waste Permitting is responsible for permit review and issuance, site suitability determination, plan review and construction inspections of new sites. Solid Waste Compliance is responsible for plan review of permit modifications for existing sites, compliance inspections in the first year of operation and assisting the regional personnel with compliance inspections. Planning and Waste Reduction is responsible for solid waste education, review of solid waste management plans of counties and municipalities and data management. All three contribute to the rule drafting process.

The four regional offices are responsible for inspections of existing facilities after the first year, complaint response, enforcement, and minor modification review. The specialists in the regional offices also do compliance work in water supply, water quality and air quality. However, the majority of time is spent on solid waste compliance. The time spent on solid waste is approximately 40 percent of each specialist's total work load.

Additional staff resources are available through the Attorney General's Office for assistance on any enforcement actions such as consent or administrative orders or other legal matters such as permit appeals. Other specialized support, such as geologic evaluation of site suitability or laboratory support, is provided by other branches within EPD. Adding up all the available staff resources, the total number of full-time person years for solid waste management equals 48.25.



**Table 1**  
**Solid Waste Staff Resources**  
**Atlanta Office**

Land Protection Branch  
John Taylor - Branch Chief  
Emily Cook - Secretary

Solid Waste Permitting

Jim Dunbar - Program Manager  
Mark Smith - Unit Coordinator  
Harold Gillespie - Unit Coord.  
Jeff Cown - Engineer  
Dene Hart - Secretary  
Stacey Hodge - Engineer  
Barbara Howard - Engineer  
Steven Johnson - Engineer  
Tiffany Klebe - Engineer  
Dennis Perriello - Geologist  
Gurdial Singh - Engineer  
Mark Wolfe - Engineer

Solid Waste Compliance

Lewis Tinley - Program Manager  
Don McCarty - Unit Coordinator  
Christy Easter - Geologist  
David Gibbons - Engineer  
Denny Jackson - Specialist  
Jill Markcum - Secretary  
Kristi Osburn - Technician  
Roger Patrick - Geologist  
Jeff Royce - Engineer  
Tom Shillock - Specialist  
Gladys Turner - Secretary  
Carole Wintle - Geologist

Planning and Waste Reduction

Rick Cothran - Program Manager  
Charles Evans - Specialist  
Susan Hendricks - Specialist  
Pam Thomas - Specialist

**Table 2**  
**Solid Waste Staff Resources**  
**Regional Offices**

Bob Bishop - Program Manager

North Region

Clark Reynolds- Unit Coordinator  
 Bob Childers - Specialist  
 Roger Denney - Specialist  
 Steve Duncan - Specialist  
 Talina Gray - Secretary  
 George Harris - Specialist  
 Melinda Jackson - Secretary  
 Thomas Manget - Specialist  
 Marcus Mincey - Specialist  
 Aimee Mitchell - Secretary  
 Bob Mitchell - Specialist  
 Danny Rice - Specialist  
 Michael Rodock - Specialist  
 Mickey Spinks - Specialist  
 Susan Wagner - Specialist  
 Kappitola Williams - Specialist  
 Eddie Wilson - Specialist  
 Vacant - Specialist  
 Vacant - Specialist

Middle Region

Ed Jarrett - Unit Coordinator  
 Clayton Bristol - Specialist  
 Marvin Grisham - Specialist  
 Bobby Head - Specialist  
 John Henson - Specialist  
 Freida Joiner - Secretary  
 Arthur Welling - Specialist  
 Vacant - Specialist  
 Vacant - Specialist

Southeast Region

Larry Rogers - Unit Coordinator  
 James Crosby - Specialist  
 Bruce Foisy - Specialist  
 Albert Frazier - Specialist  
 Marie Humphreys - Specialist  
 Clifford Knowlton - Specialist  
 Arthur Lungwitz - Specialist  
 Gary Reynolds - Specialist  
 Wanda Roberts - Secretary  
 Frank Van Arsdale - Specialist

Southwest Region

Thomas Payne - Unit Coordinator  
 Chris Boswell - Specialist  
 Jean Brown - Specialist  
 Robert Hale - Specialist  
 William Lucas - Specialist  
 Annie Sanders - Specialist  
 Mary Sheffield - Specialist  
 Kenneth Shepard - Specialist  
 William Tanner - Specialist  
 Karen Williams - Secretary



## V. Permitting Requirements

O.C.G.A. 12-8-24(a) of the Georgia Comprehensive Solid Waste Management Act and Chapter 391-3-4.02 of the Rules for Solid Waste Management both require that no person shall engage in solid waste handling or construct or operate a solid waste handling facility without first obtaining a permit from the Director of the Georgia Environmental Protection Division (EPD) authorizing such activity. The solid waste handling permit (blank permit attached) includes both design and operating conditions.

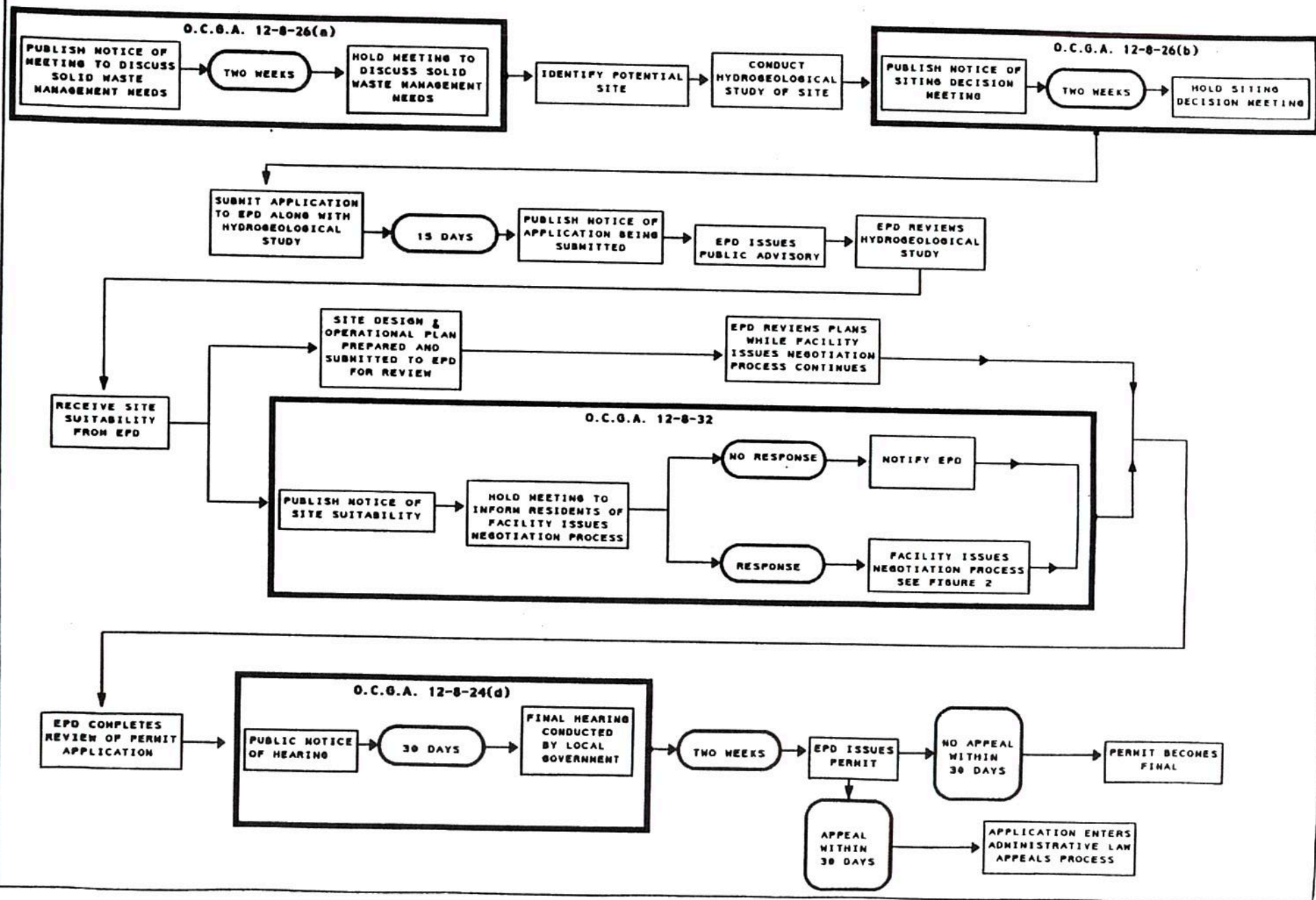
O.C.G.A. 12-8-23(1)(b) gives to the Board of Natural Resources the authority to adopt rules and regulations prescribing the procedures to be followed in applying for solid waste handling permits and requiring the submission of pertinent information deemed relevant in connection with the issuance of such permits. Chapter 391-3-4.02(6) requires that all applications for permits and major permit modifications shall be on forms prescribed by EPD and shall be accompanied by all pertinent information as EPD may require.

### Permitting Procedures for New MSWLF's

The permitting procedures as required by O.C.G.A. 12-8-20 and the Rules for Solid Waste Management, Chapter 391-3-4, for a new municipal solid waste landfill (MSWLF) are outlined in Figure 1. The process begins with public participation. Any city, county, group of counties or authority beginning the process to select a site for a MSWLF first calls a public needs meeting to discuss the waste management needs of the local government or region and to describe the siting process to be followed. The notice of the public needs meeting is published at least once per week for two weeks immediately preceding the meeting in a newspaper of general circulation serving such municipality or county. If the proposed facility will serve a regional solid waste management authority established in accordance with O.C.G.A. 12-8-53, the notice procedure discussed above is provided in each jurisdiction participating in such authority. The public needs meeting is not required to be held if the proposed facility is to be privately owned.

The next step in the process is the siting decision meeting. The governing authority of any county or municipality taking action resulting in a municipal solid waste landfill must take such action in a public siting decision meeting. Notice of the meeting is published in a newspaper of general circulation serving such city or county at least once per week for two weeks immediately preceding the date of such meeting. The notice of such meeting must state the time, place and purpose of the meeting. The siting decision meeting must be conducted by the governing authority taking the action. Siting decisions include, but are not limited to, such activities as the final selection of the property for landfilling and the execution of contracts or agreements pertaining to the location of the MSWLF within the jurisdiction, but do not include zoning decisions. The siting decision meeting is required for both publicly and privately owned proposed MSWLF's if action by the local governing authority is required.

FIGURE 1: PERMITTING PROCEDURES FOR NEW MSWLF'S





The following permitting procedures are applicable to both publicly owned and privately owned landfills. After a site selection has been made, a site assessment report addressing the criteria outlined in the "Criteria for Siting", Rule 391-3-4-.05 is prepared by a professional geologist or professional geotechnical engineer registered in Georgia. Additionally, municipal solid waste landfill siting requirements shall consider wellhead protection areas and wellhead protection requirements established pursuant to Georgia's EPA-approved Wellhead Protection Program. The site assessment report is submitted to the Division for review at the time of submitting a permit application.

When all the applicable material is gathered an "Application For Solid Waste Handling Permit and Request For Site Suitability (SWM-0)" can be submitted to the Division. The permit application is accompanied by a statement that the applicant either owns the property on which the MSWLF is to be located or has the permission of the owner to use the property for a MSWLF; in the case of a regional landfill or a landfill serving more than one county, a list of the areas to be served; written verification of zoning compliance as required by Rule 391-3-4-.05(1)(a) and a site assessment report as described above.

Upon receipt of an application, EPD issues a public advisory which is matter of policy, not a regulatory requirement. The public advisory briefly describes the application that has been submitted. The public advisory is issued with a thirty day public comment period, which may be extended by the Director. Public comments on the proposed application may be submitted to the Director during this comment period. The Director will take the comments into consideration during the review of the application. The public advisories are issued monthly and are mailed to concerned parties that have requested to be on the public advisory mailing list. In order to be placed on the mailing list, a request must be submitted to the Director's office. After issuing the public advisory, EPD begins the review of the site assessment report to demonstrate that it meets the criteria outlined in Rule 391-3-4-.05 and Circular 14 (attached).

Upon submission of an application for a proposed MSWLF, the applicant will within 15 days of the submission publish the public notice of the application in the following manner. If the application is for a facility serving no more than one county, the public notice will be published in a newspaper of general circulation serving the host county, and each local government in the county and the regional development center will be further notified in writing of the permit application. If the application is for a facility serving more than one county, the public notice will be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional development center will be further notified in writing of the permit application. In both cases the public notice will be prominently displayed in the courthouse of each notified county.

EPD will review the application and supporting data, make a determination as to the suitability or unsuitability of the proposed site for a MSWLF, and notify the applicant and the host local government if different from the applicant, in writing, of its determination. If the proposed site is unsuitable, EPD will notify the applicant and the host local government and the process will end. If EPD notifies the applicant and the



host local government that the proposed site is suitable, then the host local government will initiate a local notification and negotiation process as outlined in O.C.G.A. 12-8-32.

The local notification and negotiation process outlined in O.C.G.A. 12-8-32 begins with receipt from EPD of notice that the proposed site is suitable for a MSWLF. The site suitability notice from EPD will contain specific site limitations that will be utilized by the applicant in the design of the MSWLF. Upon receipt of the site suitability notice, the applicant will within 15 days of receipt of the notification publicize the fact by public notice in the same manner as described previously in the submission of the application. Further, within 45 days of receipt of the site suitability notice from EPD, the host local government for the proposed site will advertise and hold a public meeting to inform affected residents and landowners in the area of the proposed site and of the opportunity to engage in a facility issues negotiation process. The advertisement will be in the same manner as described previously in the submission of the application.

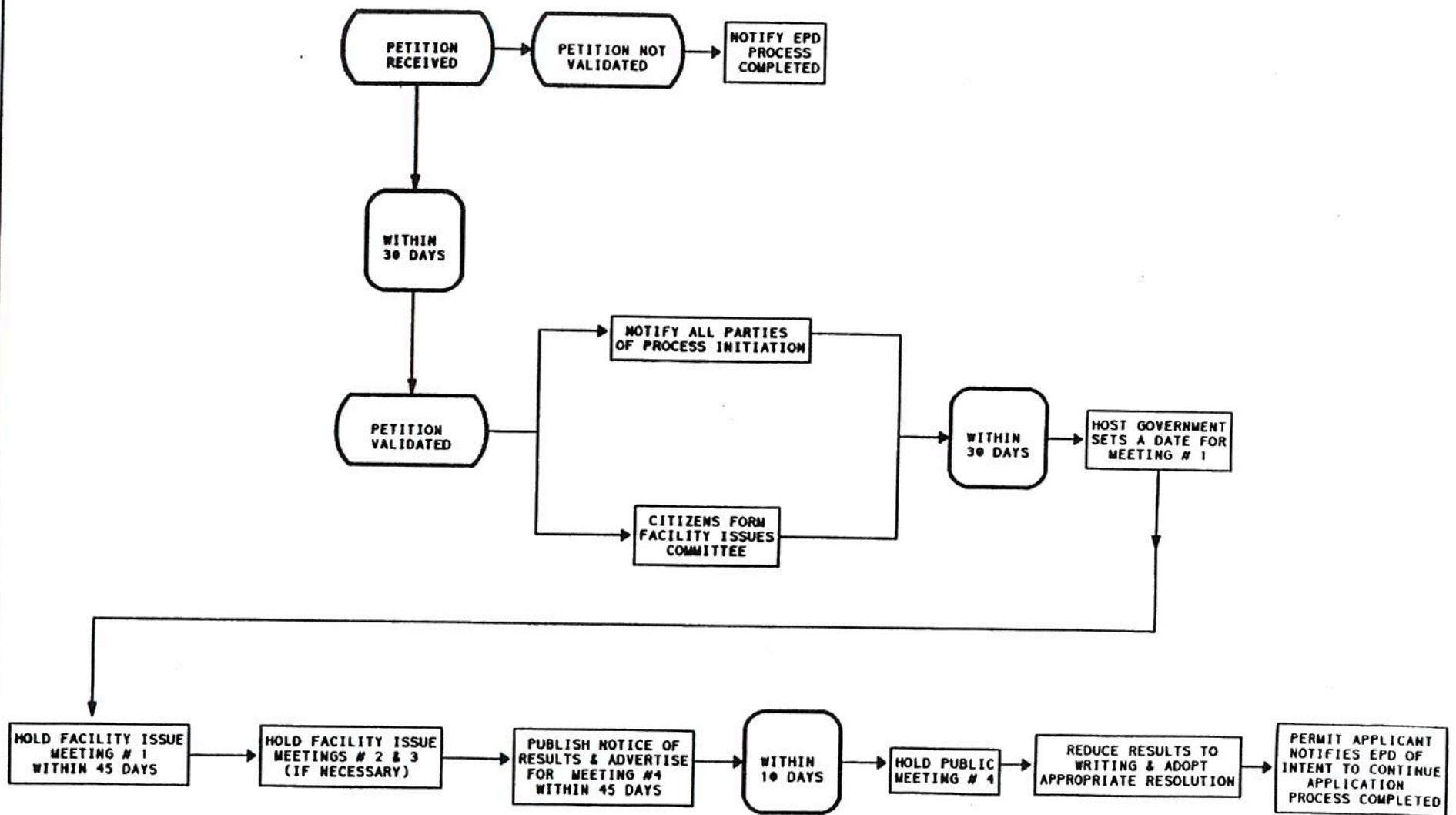
Following the notification by EPD of the proposed site's suitability and during the local notification and negotiation process, the applicant will proceed with the design of the proposed MSWLF in accordance with criteria outlined in Rule 391-3-4-.07. After completion the design and operational plan for the proposed MSWLF will be submitted to EPD for review. EPD will initiate and continue to review the applicant's permit application, including but not limited to the design and operational plan, but no action with respect to permit issuance or denial will be taken until such time as the local notification and negotiation processes have been exhausted. EPD will not be a party to the negotiation process because technical environmental issues which are required by O.C.G.A. 12-8-20 and Chapter 391-3-4 cannot be considered negotiable items in the negotiation process.

Within 30 days following the local notification and negotiation process public meeting described above, a facility issues negotiation process will be initiated by the host local government upon receipt of a written petition by at least 25 affected persons, at least 20 of whom shall be registered voters or landowners in the host jurisdiction. An affected person means a registered voter of the host local government or of a county contiguous to such host local government or a landowner within the jurisdiction of the host local government. Multiple petitions may be consolidated into a single negotiating process. The facility issues negotiation process is described in O.C.G.A. 12-8-32 and outlined in Figure 2. If no petition is received within the 30 days, the host local government will notify EPD and the permitting process will continue. If the negotiation process is entered into, upon receipt of a written notification that the facility issues negotiation process has been concluded, and upon written notification from the permit applicant that he wishes to pursue permitting of the MSWLF for which the application has been filed, EPD will proceed to process the permit application.

During the facility issues negotiation process, EPD has continued its review of the permit application. Part of the permit application is a design and operational plan with supporting data for the proposed MSWLF which is prepared by a professional engineer registered to practice in Georgia. EPD reviews the design and operational plan to assure that it meets all the requirements of Rule 391-3-4-.07. When the design and operational plan and other portions of the permit application have been determined to



**FIGURE 2: FACILITY ISSUES NEGOTIATION PROCESS**  
**O.C.G.A. 12-8-32**



be complete and acceptable, the public participation of the permit application can be completed with the final public hearing.

The governing authority of the county or municipality will hold a public hearing not less than two weeks prior to the issuance of the permit for the municipal solid waste landfill. The notice of the hearing will be posted at the proposed site and advertised in a newspaper of general circulation serving the county or counties in which the proposed site will be located, at least 30 days prior to the public hearing. A typed copy of the hearing transcript will be submitted to EPD for review. EPD will review the comments and address any environmental or public health issues that are regulated by O.C.G.A. 12-8-20 and Chapter 391-3-4.

Prior to issuance of the permit for the MSWLF, EPD will require written verification furnished by the applicant that the proposed site is still in compliance with local zoning or land use ordinances, if any. This written verification was submitted with the application but needs to be reaffirmed in case the zoning or land use ordinances have changed during the permitting process. Also, prior to permit issuance, the applicant will submit verification that proposed MSWLF is consistent with the local or regional solid waste management plans developed in accordance with O.C.G.A. 12-8-31.1 and that the host jurisdiction and the jurisdictions generating solid waste destined to the MSWLF can demonstrate that they are actively involved in and have a strategy for meeting the state wide goal of waste reduction by July 1, 1996. The verification will consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local or regional solid waste management plans.

When the applicant has completed and met all the requirements in O.C.G.A. 12-8-20 and Chapter 391-3-4 for a solid waste handling permit for a MSWLF, the Director of EPD can issue a permit to construct and operate the proposed MSWLF under the conditions set forth in the permit. This permit cannot be issued until two weeks after the final public hearing.

Once the solid waste handling permit is issued the Director notifies the legal organ and the chief elected official of the host local government in which the facility is to be located. At that time the applicant can proceed to construct the facility. During the first thirty days the permit may be appealed. If no appeal is received the permit becomes final. If an appeal is received within the 30 days, no further construction or operation may take place under the permit and the permit enters into the appeals process as specified by the Georgia Administrative Procedures Act.

#### Permitting Procedures for Modification of Existing MSWLF's

Permit modifications at the request of the permittee of existing municipal solid waste landfills are classified as either major or minor under the requirements set forth in Rule 391-3-4-.02(4). Major modifications are changes which substantially alter the design of the facility, management practices, the types of wastes being handled, or the method of waste handling, and due to the nature of the changes, would likely have an impact on the ability of the facility to adequately protect human health and the environment.



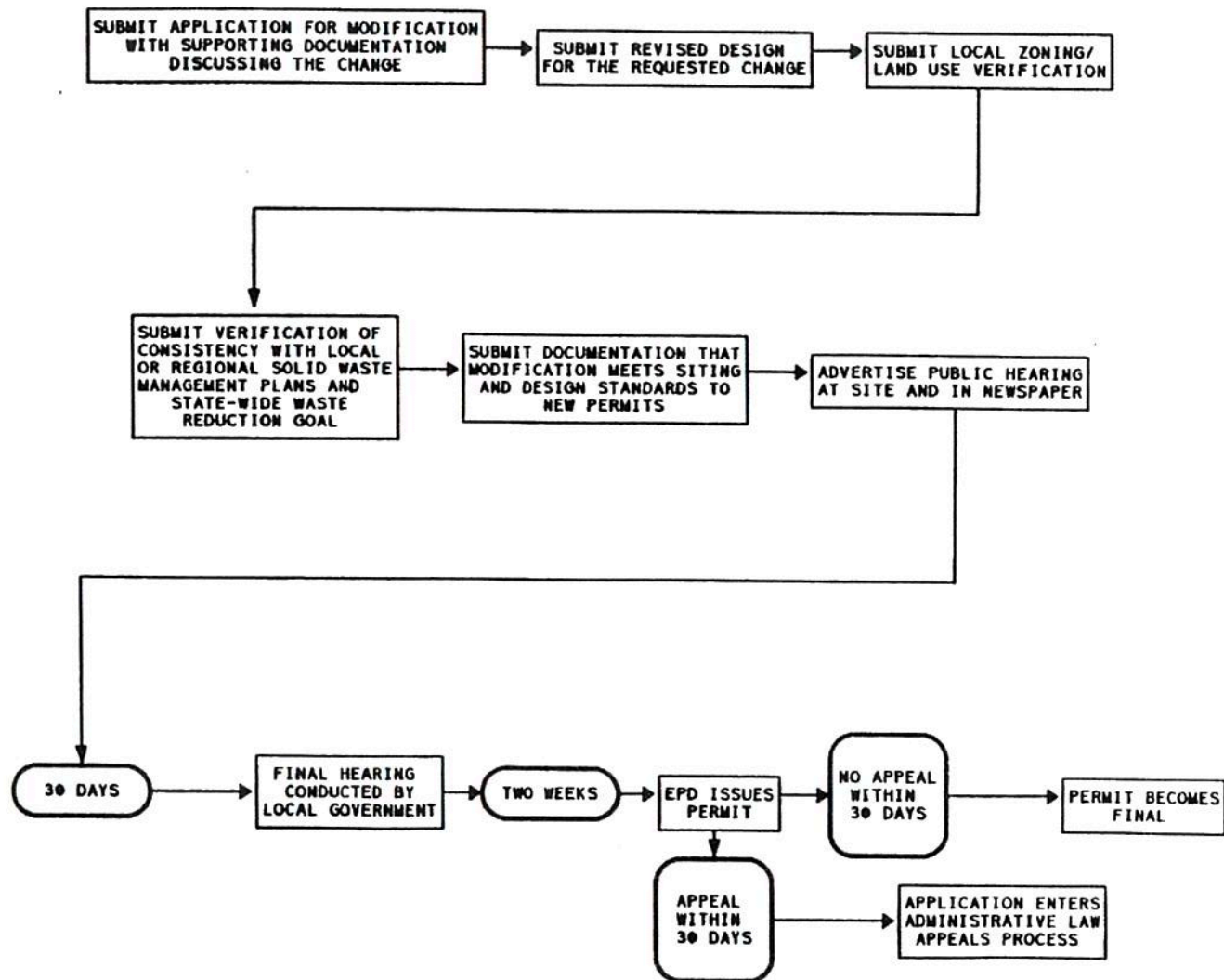
Minor modifications are changes that do not substantially alter the permit conditions, reduce the capacity of the facility to protect human health or the environment, or that enable a permittee to respond in a timely manner to common variations in the type and quantities of wastes managed, technological advancements, or changes necessary to comply with new rules where these changes can be implemented without substantially changing design specifications or management practices in the permit.

Major modifications include, but are not limited to vertical expansions of existing MSWLF's; horizontal expansions of existing MSWLF's which are allowed by the most current unexpired letter of site suitability; the addition of a new solid waste process to the MSWLF including, but not limited to the processes listed in Rule 391-3-4-.02(4)(a)3.; a change of a site suitability requirement which could impact the original siting of the MSWLF; selection of a corrective action plan; and any other modification that the Director determines to meet the criteria in Rule 391-3-4-.02(4)(a). Since major modifications can have a substantial impact on a MSWLF, they require a more intensive review and public participation than minor modifications.

Major modifications of solid waste handling facilities are subject to the following requirements (see Figure 3). A completed application for the permit modification with supporting documents that describe the exact change to the permit conditions and explain why the change is needed will be submitted. A revised design for the requested change to the MSWLF will need to be submitted for review by EPD. The applicant must provide written verification as required by Rule 391-3-4-.05(1)(a), that the MSWLF as proposed to be modified, conforms to all local zoning and land use ordinances, if any. The applicant must provide written verification that the MSWLF, as proposed to be modified, is consistent with the local or regional solid waste management plans as required by O.C.G.A. 12-8-31.1 and that the host jurisdiction and the jurisdictions generating solid waste destined to the MSWLF can demonstrate that they are actively involved in and have a strategy for meeting the state-wide goal of waste reduction by July 1, 1996. The verification will consist of letters from the host jurisdictions verifying consistency with the approved local solid waste plan. Also, the applicant must provide written verification that a public hearing was held by the governing authority of the county or municipality in which the MSWLF requesting the modification is located, not less than two weeks prior to granting approval of the modification. The written verification should include that the notice of the public hearing was posted at the site of the MSWLF and advertised in a newspaper of general circulation serving the county or counties in which the MSWLF is located at least thirty (30) days prior to such hearing. A typed transcript of the hearing will be furnished to EPD by the applicant. The final requirement is with the exception of major modifications granted under Rule 391-3-4-.02(4)(c)7., all major modifications of MSWLF's will meet the siting and design standards applicable to new permit applications in effect on the date the modification is approved.

Minor modifications do not substantially alter the MSWLF, so public participation is not required. A review of the minor modification is required by EPD but is not as extensive as the review required for major modifications. The following requirements need to be met for a minor modification. The permittee must submit a written request for the minor modification with accompanying supporting documents which describe the

**FIGURE 3: PERMITTING PROCEDURES FOR MAJOR MODIFICATIONS OF MSWLF'S**





change to be made and explaining why the change is needed. If applicable, the permittee must submit a revised design for the requested change. If the minor modification involves a change in ownership, documentation that modification is in compliance with Rule 391-3-4-.02(8)(a). Requests for minor modifications will be deemed approved by the EPD 45 days after receipt of a complete request for the modification unless, prior to that date, EPD notifies the permit holder that the request for modification is denied.

#### Affect of New Regulations on Existing MSWLF's

Now that the new regulations have been adopted it is necessary to ensure that existing MSWLF's with existing permits comply with the new regulations. This is true in the case of MSWLF's which are open and ones which are presently closed or near closure.

Rule 391-3-4-.04(2) ensures that existing MSWLF's will comply with the new regulations. This rule states that provisions of the Rules for Solid Waste Management apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling. Therefore, when the new regulations become effective all permittees will be required to abide by them and the re-opening of permits will not be necessary. If, however, the re-opening of permits does become necessary for any reason, Rule 391-3-4-.02 (3) allows the Director to modify or revoke any permit issued pursuant to O.C.G.A. 12-8-24 if the holder of the permit is found, among other things, to be performing any activity which creates a threat to human health or the environment. If the holder of the permit does not follow the new regulations it can be deemed that the activity creates a threat to human health or the environment.

The strategy affecting closure of MSWLF's will depend upon the time of closure. If the MSWLF closed prior to the new regulations but after October 9, 1991 it was advised prior to closure that it should meet the final cover requirements of Subtitle D. However, if it chose only to meet the state regulations it was allowed to do so as Georgia did not have the power to enforce the Subtitle D requirements. Since those particular MSWLF's are already legally closed, Georgia cannot force them to meet the new regulations. (Note: A records search revealed that no sites in Georgia accepted waste after October 9, 1991 and closed prior to the effective date of Georgia's new regulations, June 27, 1993.)

MSWLF's that stopped taking waste prior to the adoption of the new regulations but did not officially close will be required to meet the closure requirements of the new regulations under Rule 391-3-4-.04 (2). This is also true for MSWLF's which have closed out portions of the site but are still taking waste. All portions of the site will have to meet the new regulations.

## **VI. Compliance and Enforcement Program**

The Georgia Environmental Protection Division (EPD) permits all facilities that handle solid wastes. The compliance process for all regulated municipal solid waste landfills (MSWLF) has been developed pursuant to the requirement of the Georgia Solid Waste Management Rule 391-3-4 and the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20, et seq., as amended. The Rule incorporates requirement of 40 CFR Part 258 as pertains to compliance monitoring.

The Environmental Protection Division, in cooperation with the Georgia Municipal Association and the Association of County Commissioners of Georgia, conducted a comprehensive survey of all facilities permitted as municipal landfills to determine the potential impact of the federal Subtitle D requirements on municipal solid waste disposal operations. This information was utilized to draft changes in state solid waste regulations to meet the new federal compliance and enforcement standards. An overview of the survey conducted and the results obtained are attached.

Responsibility for the implementation of the compliance process is handled by administrative and technical support through the EPD Land Protection Compliance Program (LPCP). EPD Region Operation Program provides field evaluation in concert with the Land Protection Compliance Program to determine the compliance status of the facility with respect to the Act and Rules. The Land Protection Compliance Program consists of 12 members and the regional compliance effort consists of 48 members which spend approximately 40% of their time on solid waste compliance. The compliance process is also supported by other EPD Branches, and legal support from the Law Department.

A description of the inspection monitoring and enforcement procedures is included in the attached guidance document entitled, "Inspection and Enforcement Procedures for Georgia Solid Waste Management Program". This document details how the compliance and enforcement program functions to insure statutory and regulatory compliance for the regulated community. The comprehensive compliance program for inspections, notification of violation, follow-up of violations, documentation and enforcement activities and coordination with other agencies, are detailed in this document.

## **VII. Inspection and Enforcement - General**

The construction phase at the facility commences upon issuance of the permit. During this phase, a Division staff engineer schedules and conducts construction inspections at the disposal site when the following milestones have been achieved:

1. the erosion control structures, including sediment basins, are in place;
2. initial fill areas have been constructed and the sub-base installed, but prior to liner installation;
3. the liner installation has begun;



4. protective cover for the liner and leachate collection system have been installed;
5. groundwater monitoring wells are being installed;
6. all initial construction is completed and the site is ready to accept waste.

The approved Design and Operational Plan requires a quality assurance and control program to be submitted to the Division for approval prior to installation of the liner.

Prior to receipt of solid waste, the Division must be provided with written certification by a professional engineer licensed to practice in Georgia that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division, within 15 days of receipt by the Division of the written certification the facility owner or operator may commence disposal of solid waste.

Compliance monitoring commences upon the facility's receipt of waste. The Division staff compliance unit conducts the initial inspections and assists the regional compliance officer during this transitional phase. Upon the completion of the transitional phase, the regional compliance officer assumes responsibility and conducts compliance evaluations of the facility.

All MSWLF facilities receive an initial inspection after which they are then placed on an inspection schedule. The type schedule depends upon the compliance status of the facility. Compliance evaluation of facilities which reveal violations of the Act or Rules may result in enforcement proceedings by the respective regional compliance officer having responsibility for review of the facility. Priorities for follow-up of all violations are defined in the Inspection and Enforcement Procedures. The compliance evaluations are conducted by completing the Municipal Solid Waste Landfill Evaluation Report (attached). The evaluation report has been developed to 1) insure conformity with the provisions of the Act/Rules; 2) establishes a format that provides the flexibility necessary to incorporate additional compliance provisions as changes occur, i.e., incorporation of the 40 CFR Part 258 provisions; and, 3) to insure that uniform and consistent standards for evaluations are adhered on a state-wide basis in the conduct of compliance monitoring, evaluation and reporting of compliance activities.

The compliance monitoring program is augmented with information received from concerned citizens in the form of complaints. Complaints are referred to the appropriate regional compliance officer or the EPD Branch. The respective regional compliance officer records and coordinates complaint activities and assures implementation and follow-up on complaints received according to prescribed procedures. A complaint form and the prescribed procedures are attached. Where violations of the Act or Rules have been observed and documented, the regional compliance officer takes enforcement actions appropriate to return the facility back to a compliant status.

Compliance and enforcement, where necessary, are broad processes whereby the Division accomplishes its overall objectives. It is a systems approach which employs notices of violation, technical assistance, conference, conciliation, persuasion, directives, administrative orders, hearings, and civil court proceedings. Enforcement can begin with the notification of a violation and carry through to the collection of civil penalties.



Because of the different parts of the enforcement process which may be applied in any combination, enforcement may get to be a long and laborious task. This requires a strong commitment on the part of staff members in order to reach the goal. It also means that the process can't be shortened by deleting everything between the first notification of a violation and taking legal action, unless such is demanded by the situation in very infrequent cases. Response to violations will occur as either a Notice of Violation (NOV) Order (Consent or Administrative) or Civil Action. In determining the appropriate action to be taken the magnitude of the violation, and whether or not the owner/operator has made good faith efforts to comply are considered. When the appropriate action is decided upon, follow-through must be taken in accordance with the following guidance. The following enforcement actions may be taken as appropriate.

1. Compliance Status Letter - The official notification that a facility is in compliance with the solid waste regulations. This letter may be signed by the Compliance Office and mailed to the facility after the Unit Coordinator has reviewed and approved the inspection trip report. This letter should be mailed to the facility within 30 days of the inspection, record review, etc.
2. Notices of Violation (NOV'S) - When it is determined that a facility is in violation of a Rule, permit condition, or other legal requirement and that a NOV is the appropriate enforcement action, the facility should be promptly notified in writing, within 30 days by Certified Mail - Return Receipt Requested. The Program Manager should sign the first NOV, and the Branch Chief should sign any subsequent NOV. For minor violations, the Unit Coordinator should sign the first NOV, and the Program Manager should sign any subsequent NOV. The initial NOV letter should point out the violations related to specific Rules and require the source to correct the violations by certain dates (normally 30 days) or ask for submittal of an compliance schedule (for more complex problems). If the initial NOV letter does not bring the facility into compliance within the time allocated in the NOV, a second NOV letter should be prepared. The second NOV letter should explain the continuing or additional violation(s) and the fact that the Division is attempting to work cooperatively with the facility to bring them into compliance. It should state that if proper and timely cooperation is not exhibited by the facility, formal enforcement proceedings may have to be recommended. (The specific type of enforcement should not be identified.)
3. Enforcement Orders - If the initial enforcement action was a NOV and it did not bring the facility into compliance within an acceptable time frame, a consent or administrative order should be developed. In some cases, orders may be issued immediately with no Notice of Violation if the violation is serious enough and prompt action is required, however,



regardless of whether the order is signed initially or after an NOV has been issued, issuance should be within 90 days of violation documentation. A penalty may be levied in the Order if prompt action is not given to a violation. A draft Consent or Administrative Order and background documentation indicating the type of violations, the times, the type of evidence available, and any previous NOV's should be provided to the Branch Chief. An Order should contain background "Whereas" clauses and an "Ordered" or "Agreed" list of compliance actions plus any suggested monetary penalty ("settlement", if a Consent Order). The proposed Order will then be discussed with the director. (Prior to final signatures and execution by the director, all proposed Orders will be maintained in the EPD Confidential Files.) A copy of the final, signed Order is sent to the facility with a cover letter from the director. The original signed Order is kept in the director's office.

4. Civil Action - Injunctions in State Court may be sought to halt a dangerous situation or operation. The division director will be closely involved in these cases and will work closely with the Attorney General's office.

If questions arise about a situation under active enforcement by the division, details should not be discussed with the news media since it may jeopardize successful handling of the case. In all other cases, the EPD files are open to the public and may be reviewed and/or copied with appropriate costs recovered.

Testimony in Legal Cases - No division staff member will provide any testimony, or records for a legal matter which is not being handled for EPD by the State Law Department, unless he has received a proper subpoena. If a subpoena is received, the Branch Chief must immediately be contacted, who will discuss the issue with the Director. No testimony or file information is to be provided by a staff member in a contested legal case unless approved by the Branch Chief or Director.

### **VIII. Inspections**

The provisions of O.C.G.A. 12-8-29.1 and O.C.G.A. 12-8-24(e) grant authority to the director or his duly authorized representative to enter property for inspection and investigation of conditions relating to solid waste handling and to inspect any generator in Georgia to determine whether that generator's waste is acceptable for the intended handling facility.

Under O.C.G.A. 12-8-27, the director and his designees are authorized and shall be allowed to inspect in any state the generators, collectors, processors, transporters and disposers of special solid waste and take appropriate samples.

## **IX. Investigations and Monitoring**

Under O.C.G.A. 12-8-23.1 (a)(4), the director is authorized to make investigations, analyses and inspections to determine and ensure compliance. Code section (a)(12) further requires any person who is engaged in solid waste handling subject to the permit by rule provision of O.C.G.A. 12-8-23.1 to notify the division in writing within a reasonable number of days which the director shall specify, the location and general description of such activity, identify the waste handled and give any other information which may be relevant, under such conditions as the director may prescribe.

The director has authority to conduct monitoring or testing under O.C.G.A. 12-8-23.1(a)(4) which grants authority to make "analyses" to ensure compliance.

Chapter 391-3-4-.07 (3)(h) of the Rules requires the owner or operator to conduct self-monitoring activities to determine the concentrations of landfill gases and ensure that established performance standards are met. Guidance for this compliance activity is provided in the Proposed EPD Manual for Methane Gas Monitoring at municipal solid waste disposal facilities.

Chapter 391-3-4-.07(1)(l) of the Rules require the facility design include a groundwater and surface water monitoring plan. The surface water monitoring plan shall be designed to determine the impact of the facility on all adjacent surface waters. The design of the groundwater monitoring plan shall be in accordance with the requirements of Groundwater Monitoring and Corrective Action, as provided in Rule 391-3-4-.14. This rule incorporates the standards for Groundwater Monitoring and Corrective Action contained in Subpart E of 40 CFR Part 258.

## **X. Self-Monitoring**

Under O.C.G.A. 12-8-24.1 operators and inspectors of municipal solid waste disposal facility are required to be certified. A certification program is developed by the director in cooperation with the University System of Georgia. The division may classify all municipal solid waste disposal facilities required to have operators qualified under this part with due regard to size, type, character of waste to be disposed of, and other physical conditions affecting such municipal solid waste disposal facilities according to skill, knowledge and experience that the operator in responsible charge must have to operate the facilities successfully so as to protect the public health and welfare and prevent environment problems (attached). Certification is granted by the division, all examinations and courses used to determine the knowledge, ability and judgement of applicant shall be approved by the division. The director may investigate the actions of any operator and may revoke the certificate of any operator when the director finds that the operator has practiced fraud or deception; that reasonable care or judgement on the application of knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to perform his duties properly.



## **XI. Warrants-Access Inspections**

The provisions of O.C.G.A. 12-2-2(d)(1)-(7), inclusive specifies conditions under which an inspection warrant may be issued as required by the constitution and laws of the United States or the State of Georgia. The director or any person authorized to make inspections for the division may require the issuance of a warrant to make an inspection under laws administered by the director. This code section grants the director or any authorized person the authority to gain access to any facility and/or premises where records are maintained and inspect the same, as required.

## **XII. Enforcement**

The director is granted the power and duties under O.C.G.A. 12-8-23.1 to exercise general supervision over the administration and enforcement of all rules and regulations, orders or permits promulgated or issued under this code section.

The provisions of O.C.G.A. 12-8-23.1 (a) 9 provides authority to the director to institute, in the name of the division, proceedings of mandamus, injunction, or other proper administrative, civil or criminal proceedings to enforce any violation of the code, the rules and regulations promulgated under the code or any orders or permits issued under this code section.

O.C.G.A. 12-8-30 provides authority to the director to issue an order to obtain corrective action. Whenever the director has reason to believe that a violation of any provision of the code or any rules and regulation has occurred, he shall attempt to obtain remedy with the violator or violators by conference, conciliation, or persuasion. In the event these efforts fail, the director may issue an order directed to the violation or violators. The order shall specify the provisions of the code or rule or regulation alleged to have been violated and shall order necessary corrective action be taken within a reasonable time to be prescribed in the order. The order issued by the director under this code section shall be signed by the director and shall become final unless the person or persons named therein request in writing a hearing no later than 30 days after such order is served on such person or persons.

O.C.G.A. 12-8-30.1 specifies the power of the director to issue an emergency order. Upon the receipt of evidence or finding that an emergency exists requiring immediate action to protect the public health, safety or well being, the director, with the concurrence of the Governor, may issue an order declaring the existence of such an emergency and requiring such action be taken to meet the emergency as the director specifies. Such orders shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but shall be afforded a hearing within 48 hours. The hearing and review of actions and orders is addressed in O.C.G.A.

12-8-30.2. All hearings on and review of contested matters and orders and any other enforcement actions or orders under this code section shall be provided and conducted in accordance with subsection (c) of Code Section 12-2-2.

Under O.C.G.A. 12-8-30.4, whenever in the judgment of the director any person has engaged in or is about to engage in any act or practice which constitutes or will constitute any violation of this code section, the director may apply to the superior court of the county where such person resides, or, if such person is a nonresident of the state, to the superior court of the county where such person is engaged in or is about to engage in such act or practice, for an order restraining and enjoining such act or practice. Upon showing by the director that such person has engaged in or is about to engage in any such action practice, a temporary or permanent injunction, restraining order, or other order shall be granted without the necessity of showing lack of an adequate remedy by law.

Under O.C.G.A. 12-8-30.6, the director can bring an administrative action for the assessment of civil penalties against any person provided that person is a public authority or city or county government located within the boundaries of Georgia violating any provisions of the code or rules or regulations adopted pursuant to this part or intentionally or negligently failing or refusing to comply with any final or emergency order of the director issued as provided in this code section shall be liable for a civil penalty not to exceed \$1,000.00 for such violation and for an additional civil penalty not to exceed \$500.00 for each day during which such violation continues. Any person other than a public authority or city or county government located within the boundaries of Georgia guilty of the same violation shall be liable for a civil penalty not to exceed \$25,000.00 per day for each day during which such violations continue.

### **XIII. Intervention in Enforcement Proceedings**

State laws and regulations provide for public participation in the State enforcement process by providing either:

1. Authority which allows intervention as of right in any civil or administrative action to obtain remedies by any citizen having an interest which is or may be adversely affected; or

2. Assurances that the State agency on enforcement authority will:

- (a) Investigate and provide written response to all citizen complaints duly submitted.

- (b) Not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule, or regulation; and



(c) Publish and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

Subsection (d) of O.C.G.A. 12-8-34 of the Georgia Comprehensive Solid Waste Management Act of 1990 (GCSWMA) as amended through 1993 provides for mandatory notice of the pendency of a permit application to local governments and other interested parties in the locality in which a proposed facility may be located.

The GCSWMA does not contain a specific section detailing citizen intervention in administrative enforcement authority. The basic reason for this is such a provision is unnecessary in view of other provisions of the Georgia law.

The GCSWMA at O.C.G.A. 12-8-30.1 provides that all hearings on and review of other enforcement actions on orders shall be conducted in accordance with the provisions of subsection (c) of O.C.G.A. 12-2-2. O.C.G.A. 12-2-2 provides for hearings before a hearing officer appointed by the Board of Natural Resources and further provides that the hearing shall be conducted in accordance with the Georgia Administrative Procedures Act (O.C.G.A. Chap. 50-13, as amended).

The Georgia Administrative Procedures Act provides at Georgia O.C.G.A. 50-13-14 for intervention by citizens in contested cases. Accordingly, the GCSWMA does, in fact, provide for citizen intervention by expressly providing that hearing be held pursuant to O.C.G.A. 12-2-2 which in turn provides that hearings shall be conducted in accordance with the Georgia Administrative Procedures Act, which in turn provides for intervention.

In addition to administrative enforcement actions, certain civil actions may be brought pursuant to the GCSWMA, such as injunctive relief provided under O.C.G.A. 12-8-30.4. Such civil action would be governed by the Georgia Civil Practice Act which provides at O.C.G.A. 9-11-24 for the intervention by interested parties.

To supplement these legal provisions authorizing public participation, Rule 391-3-4-.03 specifies that interested persons may participate in the enforcement of GCSWMA and the Rules pursuant to the applicable provisions of the GCSWMA, the Georgia Administrative Procedures Act, the Georgia Executive Reorganization Act, the Georgia Civil Practice Act, or any other applicable provision of Georgia law. This Rule and the legal provisions discussed assure public participation under the State program will be equivalent to and consistent with the federal program under 40 CFR Part 258.

**Appendix C. Draft Rules Relevant to CCR Permit Program, August 17, 2017**

<b>391-3-4-.01</b>	<b>Definitions</b>	<b>C-2</b>
<b>391-3-4-.02</b>	<b>Solid Waste Handling Permits</b>	<b>C-12</b>
<b>391-3-4-.04</b>	<b>General Amended</b>	<b>C-20</b>
<b>391-3-4-.07</b>	<b>Landfill Design and Operations</b>	<b>C-25</b>
<b>391-3-4-.10</b>	<b>Coal Combustion Residuals</b>	<b>C-38</b>



### **391-3-4-.01 Definitions**

- (1) "Active Life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.
- (2) "Active Portion" means that part of a solid waste handling facility or landfill unit that has received or is receiving wastes and that has not been closed.
- (3) "Aquifer" means a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of ground water to wells or springs.
- (4) "Affected County" means, in addition to the county in which a facility is or is proposed to be located, each county contiguous to the host county and each county and municipality within a county that has a written agreement with the facility to dispose of solid waste.
- (5) "Asbestos-Containing Waste" means any solid waste containing more than 1 percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite, and actinolite, using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1.
- (6) "Baling" means a volume reduction technique whereby solid waste is compressed into bales.
- (7) "Biomedical Waste" means any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other waste from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, as further defined in Rule 391-3-4-.15.
- (8) "Boiler" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.
- (9) "CCR Landfill" means an area of land or an excavation ~~owned or operated by an electric utility or independent power producer~~ that receives CCR and which is not a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. For purposes of this Chapter, a CCR landfill also includes sand and gravel pits and quarries that receive CCR, CCR piles, and any practice that does not meet the definition of a beneficial use of CCR. This definition includes both active and inactive landfills.

- (10) "CCR Surface Impoundment" means a natural topographic depression, man-made excavation, or diked area owned or operated by an electric utility or independent power producer, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR. This definition includes both active and inactive surface impoundments, new and lateral expansions of surface impoundments, dewatered surface impoundments, and NPDES-CCR surface impoundments.
- (11) "CCR Unit" means any CCR landfill, CCR surface impoundment, or the lateral expansion of such landfill or impoundment, or a combination of more than one of these units, based on the context of the paragraph(s) in which it is used. This term includes both new and existing units, unless otherwise specified.
- (12) "Certificate" means a document issued by a college or university of the University System of Georgia or other organization approved by the Director, stating that the operator has met the requirements of the Board for the specified operator classification of the certification program.
- (13) "Closure" means a procedure approved by the Division which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for post-closure.
- (14) "Coal Combustion Residuals (CCR)" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.
- (15) "Collector" means the person or persons as defined herein who, under agreements, verbal or written, with or without compensation does the work of collecting and/or transporting solid wastes, from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings, provided however, that this definition shall not include an individual collecting and/or transporting waste from his own single family dwelling unit.
- (16) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.
- (17) "Composting" means the controlled biological decomposition of organic matter into a stable, odor free humus.
- (18) "Construction/Demolition Waste" means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill



material, and other nonputrescible wastes which have a low potential for groundwater contamination.

(19) "Construction/Demolition Waste Landfill" means a landfill unit that accepts construction/demolition waste. A Construction/Demolition Waste unit also may receive inert waste and yard trimmings and may be publicly or privately owned.

~~(19) (20) "Contaminant" which is likely to pose a danger to human health" means any constituent in Appendix I, II, III, or IV or other site specific constituents as specified by the Division. found at levels confirmed above a groundwater protection standard.~~

(201) "Detected" means statistically significant evidence of contamination has been determined to exist by using methods specified in Rule 391-3-4-.14.

(242) "Director" means the Director of Environmental Protection Division of the Department of Natural Resources.

(223) "Disposal Facility" means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

(234) "Division" means the Environmental Protection Division of the Department of Natural Resources.

~~(24) "Existing SWLF or landfill unit" means:~~

~~(a) any municipal solid waste landfill or landfill unit that is receiving solid waste as of October 9, 1993, and meets either of the following two conditions:~~

~~1. disposed of over 100 tons per day (TPD) of solid waste between October 9, 1991, and October 9, 1992, (or other dates consistent with Federal standards and as may be approved by the Director), or;~~

~~2. is on the National Priorities List (NPL), as found in appendix B to 40 CFR, Part 300.~~

~~(b) any municipal solid waste landfill or landfill unit that is receiving solid waste as of April 9, 1994, and meets the following two conditions:~~

~~1. disposed of 100 tons or less per day of solid waste between October 9, 1991, and October 9, 1992, and disposes of no more than an average of 100 TPD of solid waste each month between October 9, 1993, and April 9, 1994, (or other dates consistent with Federal standards and as may be approved by the Director), and;~~

~~2. is not on the National Priorities List (NPL), as found in appendix B to 40 CFR, part 300.~~

~~(e) Waste placement in existing units must be consistent with past operating practices or modified practices to ensure good management.~~

(25) "Generator" means any person in Georgia or in any other state who creates solid waste.

(26) "Garbage" means food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

(27) "Groundwater" means water below the land surface in a zone of saturation.

(28) "Hazardous Waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.

(29) "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

(30) "Host Local Government" means the host county or other local governmental jurisdiction within whose boundaries a municipal solid waste disposal facility is located.

(31) "Industrial Furnace" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.

(32) "Industrial Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the Board of Natural Resources, Chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; inorganic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil or gas waste.

(33) "Inert Waste Landfill" means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps,



limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

(34) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

(35) "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes.

(36) "Landfill Unit" means an area of land of which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile. Permanent disposal requires the placement of daily, intermediate, and/or final earth, synthetic, or a combination of earth and synthetic cover over the solid waste.

(37) "Leachate Collection System" means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

(38) "Liner" means a continuous layer of natural or man-made materials beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste constituents, or leachate.

(39) "Liquid Waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for the Evaluation of Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

(40) "Materials Recovery Facility" means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(41) "Monofill" means a method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.

(42) "Municipal Solid Waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

(43) "Municipal Solid Waste Landfill (MSWLF) Unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. ~~A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.~~

(44) "Municipal Solid Waste Disposal Facility" means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities.

(45) "Municipal Solid Waste Disposal Facility Operator" means the operator certified in accordance with Rule 391-3-4-.18 and stationed on the site who is in responsible charge of and has direct supervision of the daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.

(46) "Municipal Solid Waste Landfill" means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.

~~(47) "New MSWLF Unit" means any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.~~

(487) "Open Burning" means the combustion of solid waste without:

(a) Control of combustion air to maintain adequate temperature for efficient combustion;

(b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(c) Control of the emission of the combustion products.

(498) "Open Dump" means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.

~~(5049)~~ "Operating Records" means written records including, but not limited to, permit applications, monitoring reports, inspection reports, and other demonstrations of compliance with this Chapter, which records are kept on file at the facility or at an alternative location as approved by the Division.



(540) "Operator" means the person(s) responsible for the overall operation of a facility or part of a facility.

(521) "Owner" means the person(s) who owns a facility or part of a facility.

(532) "Person" means the State of Georgia or any other state or any agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

(543) "Post-closure" means a procedure approved by the Division to provide for long- term financial assurance, monitoring and maintenance of a solid waste disposal facility to protect human health and the environment.

(554) "Private Industry Solid Waste Disposal Facility" means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

(565) "Processing Operation" means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).

(576) "Putrescible Wastes" means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

(587) "Qualified Ground water Scientist" means a professional engineer or geologist registered to practice in Georgia who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgements judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

(598) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(6059) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(610) "Recovered Materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

(621) "Recovered Materials Processing Facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

(632) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(643) "Regional Landfill or Regional Solid Waste Disposal Facility" means a facility owned by a county, municipality, or special district empowered to engage in solid waste management activities, or any combination thereof, which serves two or more any combination of counties, municipalities, or special solid waste districts.

(654) "Release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking, or placing of any substance into or on any land or water of the state.

(665) "Relevant Point of Compliance" is a vertical surface located at the hydraulically downgradient limit of the waste management unit boundary that extends down into the uppermost aquifer underlying the facility. This point will be specified by the Director and shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the landfill unit. The downgradient monitoring system must be installed at this point, and monitoring conducted to ensure that the concentration values listed in Table 1 of Rule 391-3-4-.07 will not be exceeded in the uppermost aquifer.

(676) "Saturated Zone" means that part of the earth's crust in which all voids are filled with water.

(687) "Scavenge" means the unpermitted removal of solids waste from a solid waste handling facility.

(698) "Shredding" means the process by which solid waste is cut or-torn into smaller pieces for final disposal or further processing.



(7069) "Significant Groundwater Recharge Areas" means any area as designated on Hydrologic Atlas 18 Most Significant Ground-Water Recharge Areas of Georgia, 1989, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources, unless an applicant for a solid waste handling permit or other interested party can demonstrate to the satisfaction of the Director that an area designated on Hydrologic Atlas 18 is or is not, in fact, a significant groundwater recharge area.

(710) "Site" means the entire property a permitted solid waste handling facility is located within and includes all activities within that property.

(721) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(732) "Solid Waste" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

(743) "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

(754) "Solid Waste Handling Facility" means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

(765) "Solid Waste Handling Permit" means written authorization granted to a person by the Director to engage in solid waste handling.

(776) "Solid Waste Management Act" or the "Act", wherever referred to in these Rules, means the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20, et seq.

(787) "Solid Waste Thermal Treatment Technology" means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

(798) "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

(8079) "Transfer Station" means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

(840) "Uppermost Aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the solid waste handling facility's property boundary.

(821) "Vertical Expansion" means the expansion of landfill beyond the approved maximum final elevations and within the approved waste management boundaries of the existing permit.

(832) "Waste Management Unit Boundary" means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

(843) "Waste-to Energy Facility" means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.

(854) "Yard Trimmings" means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

Authority: O.C.G.A. §. 12-8-20 et seq., as amended.



## **Rule 391-3-4-.02 Solid Waste Handling Permits.**

- (1) Solid Waste Handling Permits Required. No person shall engage in solid waste handling or construct or operate a solid waste handling facility, except those individuals exempted from the provisions of the Georgia Comprehensive Solid Waste Management Act, under the provisions of O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 or those individuals who have a permit-by-Rule under Rule 391-3- 4-.06, without first obtaining a permit from the Director authorizing such activity. ~~Permits Required: no person shall engage in solid waste handling or construct or operate a solid waste handling facility, except those individuals exempted from the provisions of the Georgia Comprehensive Solid Waste Management Act, under the provisions of O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 or those individuals who have a permit-by-Rule under Rule 391-3- 4-.06, without first obtaining a permit from the Director authorizing such activity.~~
- a. Application Completeness. The Director may issue permits for solid waste handling provided the application is judged complete and meets the requirements of the Georgia Comprehensive Solid Waste Management Act and these Rules. Solid Waste Handling Permits shall be required for, but are not limited to, persons engaged in the collection, transportation, treatment, utilization, storage, processing, or disposal of solid wastes, or any combination thereof, except as exempted by O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 and these Rules and shall be required for the construction or operation of all solid waste handling facilities, except as exempted by O.C.G.A. 12- 8-30.10 or O.C.G.A. 12-8-40 and these Rules.
  - b. Duration of Permit. As of July 1, 2018, all new permits shall be renewed at least every ten (10) years. All permits issued prior to July 1, 2018 will be reissued with a renewal date not to exceed ten (10) years thereafter.
  - c. Permit Review and Renewal. Each permit for a solid waste handling facility may be reviewed by the Division five years after the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of these rules.
    - i. In order for permits to remain in effect, applications for permit renewal shall be filed at least six months, but not more than eighteen (18) months prior to the date of permit expiration;
    - ii. Permit expiration terminates the solid waste handling facility's right to operate unless a timely and complete renewal application has been submitted.

~~(2) Solid Waste Handling Permit: the Director may issue permits for solid waste handling provided the application is judged complete and meets the requirements of the Georgia Comprehensive Solid Waste Management Act and these Rules. Solid Waste Handling Permits shall be required for, but are not limited to, persons engaged in the collection, transportation, treatment, utilization, storage, processing, or disposal of solid wastes, or any combination thereof, except as exempted by O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 and these Rules and shall be required for the construction or operation of all solid waste handling facilities, except as exempted by O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 and these Rules.~~

(32) Modification or Revocation of Permits for Cause: the Director may modify or revoke any permit issued pursuant to O.C.G.A. 12-8-24 if the holder of the permit found to be in violation of any of the permit conditions; or if the holder of the permit fails to perform such activity in accordance with the approved plan; or if such activity creates a threat to human health or the environment. In the event of modification or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(43) Permit Modifications at the Request of the Permittee: all modifications of existing solid waste handling permits shall be classified as follows:

(a) Major Modifications include those changes which substantially alter the design of the facility, management practices, the types of wastes being handled, or the method of waste handling, and due to the nature of the changes, would likely have an impact on the ability of the facility to adequately protect human health and the environment. Major modifications therefore require closer review and public input than minor modifications. Major modifications shall include, but are not limited to, the following:

1. A modification which involves an vertical expansion of an existing landfill's capacity.
- ~~2. A modification which involves a lateral expansion of an existing landfill which is allowed by the most current, unexpired letter of site suitability.~~
32. A modification which involves a lateral expansion of a CCR surface impoundment.
- ~~43.~~ A modification which adds a new solid waste handling process. This shall include but not be limited to the addition of an air curtain destructor, a materials recovery facility, a baling operation, a shredding operation, a processing operation, a municipal solid waste or sewage sludge composting operation, or a liquid solidification operation.
- ~~54.~~ A modification which involves the change of a site suitability requirement which could have impacted the original siting of the facility.



65. Any other modification which the Director, in the exercise of his discretion, determines to meet the criteria set forth in Section (4) (a) of this Rule.

(b) Minor modifications include changes that do not substantially alter the permit conditions, that do not reduce the capacity of the facility to protect human health or the environment, or that enable a permittee to respond in a timely manner to common variations in the type and quantities of wastes managed, technological advancements, or changes necessary to comply with new Rules where these changes can be implemented without substantially changing design specifications or management practices in the permit. Minor modifications shall include, but are not limited to, the following:

1. Changing the name of a facility.
2. A modification which involves a change in administrative and operational information and maintenance of operational records.
3. A modification which involves a change in the sequence of operation.
4. A modification which involves the relocation of access roads.
- ~~5. A modification which adds scales.~~
65. A modification which adds or deletes on-site structures.
76. A modification which involves the addition of or a change to a groundwater or surface water monitoring system.
87. A modification which involves the addition of or a change to a landfill gas monitoring system.
98. A modification which involves the addition or deletion of a permit-by-Rule facility.
- ~~109~~. A modification which involves the deletion of any solid waste handling facility.
- ~~140~~. A modification which involves the deletion of per-mitted capacity or acreage.
- ~~121~~. A modification which involves the addition of or a change to an erosion and sedimentation control system.
- ~~132~~. A modification which involves the addition of or a change to a closure or post- closure plan.
- ~~143~~. A modification which involves the addition of or a change to a method of leachate handling ~~and/or treatment~~.

154. A modification which involves the addition of or a change to a quality assurance plan.

165. A modification which involves the change of any compliance schedule which is part of the permit.

176. A modification which involves the addition of a corrective action plan.

187. A modification which involves a change in ownership, or in the case of a corporation of over five (5) percent of the stock in a corporation holding a permit, but does not involve the transfer of the permit.

198. A modification which involves the addition of acreage for the purpose of installing monitoring systems or installing structures for mitigating environmental impacts, where the original permitted acreage provides insufficient area to complete required improvements. This modification request must be accompanied by a site assessment report as required by paragraph (4) of Rule 391-3-4-.05. a hydrological assessment as specified in Rule 391-3-4-.05(1)(k).

2019. A modification which involves the addition of or change in a soil or synthetic liner and leachate collection system to a waste unit holding a valid solid waste handling permit, if it does not require other significant site redesign.

240. A modification which involves the removal or recovery of CCR from a CCR unit for the purpose of beneficial use.

(c) All modifications of solid waste handling permits which are major modifications shall be subject to the following requirements:

1. Submission of a completed application for a permit modification.
2. Submission of supporting documents which accompany the application for a permit modification which describe the exact change to be made to the permit conditions and supporting documents referenced by the permit and which explain why the change is needed.
3. Submission of a revised design for the requested change.
4. Submission of written verification by the applicant, as required by subparagraph (1)(a) of Rule 391-3-4-.05, that the facility, as proposed to be modified, conforms to all local zoning/land use ordinances, if any.
5. Except for Private Industry Solid Waste Disposal Facilities, after July 1, 1992, submission of written verification by the applicant that the facility, as proposed to be modified, is consistent



with the local or regional solid waste management plans and that the host jurisdiction and the jurisdictions generating solid waste destined to the facility can demonstrate that they are actively involved in and have a strategy for meeting the State-wide goal of waste reduction by July 1, 1996. The verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plan.

6. Except for Private Industry Solid Waste Disposal Facilities, submission of written verification that a public hearing was held by the governing authority of the county or municipality in which the solid waste facility requesting the modification is located, not less than two weeks prior to granting approval of the modification. Submission of written verification that notice of such hearing was posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which the facility is located at least thirty (30) days prior to such hearing. A typed transcript of the hearing must be provided to the Division.

7. Any application for a solid waste disposal facility vertical expansion shall meet the criteria as established in O.C.G.A.

12-8-24(e)(3). Any operation of a vertical expansion shall be in accordance with conditions set forth in the modified permit. Conditions to be included in any such modified permit shall, at a minimum, include the following:

(i) A minimum  $\pm 200$  foot buffer shall be provided between the property line and the waste disposal boundary established by the vertical expansion.

(ii) Site survey control shall be provided to ensure compliance with the approved permit modification.

(iii) Erosion and sedimentation control devices shall be installed, rehabilitated, and maintained as appropriate to control all surface runoff and sediments from disturbed areas.

(iv) All areas exposed for more than three (3) months shall be vegetated.

(v) Closure plans, post-closure plan, and appropriate financial responsibility shall be maintained and updated as provided for in the approved permit modification.

(vi) All other conditions of the existing permit not in conflict with conditions (i) through (v) above.

8. With the exception of major modifications granted under subparagraph (c)7. of this Rule, all major modifications shall meet the siting and design standards applicable to new permit applications in effect on the date the modification is approved.

(d) All modifications of solid waste handling permits which are minor modifications shall be subject to the following requirements:

1. Submission of a written request by the permit holder requests a minor modification.
2. Submission of supporting documents which accompany the written modification request which describe the exact change to be made to the permit conditions and supporting documents referenced by the permit and which explain why the change is needed.
3. If applicable, submission of a revised design for the requested change.
4. For a modification involving a change in ownership covered in subparagraph (4)(b)18. above, documentation must be provided to insure compliance with subparagraph (8)(a) below.

~~5. Requests for minor modifications shall be deemed approved by the Division 45 days after receipt of a complete request for modification unless, prior to that date, the Division notifies the permit holder that the request for modification is denied or is incomplete, provided however, that the requests for the following minor modifications shall be approved only upon written notification from the Division: a surface or groundwater monitoring plan; leachate collection, handling or treatment system; liner systems; methane gas monitoring, collection, or treatment systems; closure or post-closure plans; or a change involving the addition of permitted acreage to allow for the installation and/or operation of environmental monitoring systems. Where a minor modification is deemed approved after 45 days without comment from the Division, the permit holder is not relieved of compliance with any applicable performance and/or design standard as provided for in these Rules or the Act.~~

(54) Transfer of Permits: permits are not transferable from one site or facility to another. Permits are transferable from one person to another provided a new permit application is completed by the proposed permittee, and the proposed permittee agrees to abide by all the permit conditions or outstanding orders in effect at the time of the requested transfer. Prior to the transfer of the permit, the new permittee must demonstrate compliance with Rule 391-13-4-.13. Until such time as this is demonstrated, the original permittee shall be fully responsible for financial responsibility for the facility. Unless notified otherwise by the Director, within 45 days of receipt by the Division of a properly completed request for transfer of the permit, the permit transfer shall stand approved.

(65) Applications for permits and major permit modifications under O.C.G.A. 12-8-24 shall be on forms as may be prescribed and furnished from time to time by the Division and shall be accompanied by all pertinent information as the Division may require.

(76) Material submitted shall be complete and accurate.



(87) Application for a permit or for the transfer of a permit shall contain, but shall not be limited, to the following:

(a) A sworn statement that the applicant and owner or operator, if different than applicant, for a permit or, in the case of a corporation, partnership, or association, an officer, Director, manager, or shareholder of five percent or more of stock or financial interest in said corporation, partnership, or association:

1. Has not intentionally misrepresented or concealed any material fact in the application submitted to the Director;
2. Is not attempting to obtain the permit by misrepresentation or concealment;
3. Has not been finally convicted in the State of Georgia or any federal court of any felony involving moral turpitude within three years immediately preceding the application for a permit;
4. Has not been convicted of any violations of any environmental laws punishable as a felony in any state or federal court within five years preceding the application for a permit;
5. Has not knowingly, willfully, and consistently violated the prohibitions specified in O.C.G.A. 12-8-30.7; and
6. Has not been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia within five years preceding the application for a permit.

(b) For a permit application, a statement that the applicant either owns the property on which the facility is to be located or had the permission of the owner to use the property for solid waste handling.

(c) For a permit application, in the case of a regional landfill or a landfill serving more than one county, a list of the areas to be served.

(d) For a permit application, written verification of zoning compliance as required by Rule 391-3-4-.05 paragraph (1)(a).

(e) For a permit application, a site assessment as required by Rule 391-3-4-.05, except CCR units which must meet criteria in 391-3-4-.10.

(98) Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect of such solid waste handling upon air, water, and land resources and human health. Conditions under which the handling will be permitted will be specified in the permit issued.

(409) Except for Private Industry Solid Waste Disposal Facilities, ~~after July 1, 1992,~~ each applicant for a permit shall provide verification that the facility is consistent with the local or regional solid waste management plans ~~that the host jurisdiction generating solid waste destined to the facility can demonstrate that they are actively involved in and have a strategy for meeting the State-wide goal of waste reduction by July 1, 1996.~~ The verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plans.

(410) Changes to Permit Status. The Director may approve a request to modify an existing solid waste handling permit to reflect the change of a facility's operational status. Such changes can include operating, closure, and post-closure.

Authority: O.C.G.A. §. 12-8-20 et seq., as amended.



### **391-34.04 General. Amended**

(1) No person shall engage in solid waste handling in a manner which will be conducive to insect and rodent infestation or the ~~bar-boring~~ harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; impair the quality of the environment; or likely create other hazards to the public health, safety, or well-being as may be determined by the Director.

(2) Provisions of these Rules apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

(3) Exemptions: provisions of these Rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These Rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. Provided that if such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the run-off from a "ten year storm" such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these Rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

(4) Prohibited Acts:

(a) Burning: no solid waste may be burned at a solid waste handling facility, except by thermal treatment technology facility approved by the Division.

(b) Scavenging: no person owning or operating a solid waste handling facility shall cause, suffer, allow or permit scavenging at such site.

(c) Open Dump: no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property.

(d) Asphalt Shingles: no roofing shingles which contain asphalt may be disposed of except in construction and demolition or municipal solid waste landfills.

(5) The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution, or similar facility to a solid waste handling facility operating in compliance with these Rules unless arrangements have been made for such service with a collector operating in compliance with these Rules.

(6) Prohibited Wastes Disposal:

(a) If, because of unusual physical or chemical properties, or geological or hydrological conditions, or for other reasons, the Division finds that solid waste should not be accepted at a solid waste handling facility, the Division may require that such waste be prohibited, and that a proposal for disposal of such waste, with supporting data as may be deemed necessary, be submitted by the generator of such waste for consideration of approval by the Division. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved.

(b) The following solid wastes are specifically prohibited from disposal at solid waste disposal facilities in Georgia:

1. lead acid batteries;
2. liquid waste in landfills, except as allowed in (9) below;
3. regulated quantities of hazardous waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-11;
4. radioactive waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-9, Radioactive Waste Material Disposal; and
5. polychlorinated biphenyls (PCB) waste as defined in 40 CFR, Part 761.

(c) Any generator who disposes of a prohibited waste or person who accepts for disposal a prohibited waste shall be deemed to be in violation of these Rules.

(7) Recovered Materials:

(a) Recovered materials and recovered materials processing facilities are excluded from regulation as solid wastes and solid waste handling facilities. To be considered exempt from regulation, the material must have a known use, reuse, or recycling potential; must be feasibly used, reused, or recycled; and must have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

(b) Materials accumulated speculatively are solid waste and must comply with all applicable provisions of these regulations.

(c) A recovered material is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material, that the material can be feasibly sold, used, reused, or recycled and that during a Calendar year commencing January 1 and ending December 31 of the same year, seventy-five percent



(75%), by weight or volume, of the recovered material stored at a facility is recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.

(d) Proof of recycling, sale, use, or reuse shall be provided in the form of bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility or for proper use or reuse from the accumulation point. In addition, proof must be provided that there is a known market or disposition for the recovered material. Persons claiming that they are owners or operators of recovered materials processing facilities must show that they have the necessary equipment to do so.

(e) A recovered material is "sold" if the generator of the recovered material or the person who recovered the material from the solid waste stream received consideration or compensation for the material because of its inherent value.

(f) A recovered material is "used, reused or recycled" if it is either:

1. Employed as an ingredient (including use as an intermediate) in a process to make a product (for example, utilizing old newspaper to make new paper products) or
2. Employed in the same or different fashion as its original intended purpose without physically changing its composition (for example, use of old automobiles for spare parts or donation of clothing or furniture to charitable organizations) or
3. Employed in a particular function or application as an effective substitute for a commercial product (for example, utilizing shredded tires in asphalt or utilizing refuse-derived fuel as a substitute for fuel oil, natural gas, coal, or wood in a boiler or industrial furnace) as long as such substitution does not pose a threat to human health or the environment and so long as the facility is not a solid waste thermal treatment facility.
4. A material is not "used, reused or recycled" when it is applied to or placed on or in the land in a manner that constitutes disposal which, in the opinion of the Director, may pose a threat to human health and the environment (for example, utilizing soil containing levels of hazardous constituents, as listed in Chapter 391-3-11, 40 CFR Part 261, Appendix VIII for fill material when those levels are greater than the background levels in the area to be filled, land applying sludge in excess of generally accepted agricultural practices or use of inherently waste-like materials as fill material).

(8) Asbestos Containing Waste.

(a) Collection.

1. Vehicles used for the transportation of containerized asbestos waste shall have an

enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.

2. Vehicles used to reduce waste volume by compaction shall not be used.

3. Vacuum trucks used to transport waste slurry must be constructed and operated to ensure that liquids do not leak from the truck.

(b) Disposal.

1. Asbestos containing waste is to be disposed of only in a permitted landfill or other facility authorized by the Division for acceptance of asbestos containing waste.

2. Asbestos containing waste shall be sealed in leak-proof containers labeled with "Caution - Contains Asbestos Fibers - Avoid Opening or Breaking Container - Breathing Asbestos is Hazardous to Your Health.

3. Asbestos containing waste shall be disposed of in such a manner as not to destroy the integrity of the asbestos containing materials containers prior to the placement of cover material. This waste shall be completely covered immediately after deposition with a minimum of six (6) inches of non-asbestos material.

(9) Liquid Waste Restrictions at Landfills.

(a) Bulk or noncontainerized liquid waste may not be placed in landfill units unless

1. The waste is household waste other than septic waste; or

2. The waste is leachate or gas condensate derived from the landfill unit, whether it is a new or existing landfill or lateral expansion, is designed with a composite liner and leachate collection system as described in paragraph (1)(d) of Rule 391-3-4-.07. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record.

(b) Containers holding liquid waste may not be placed in a landfill unit unless:

1. The container is a small container similar in size to that normally found in household waste;

2. The container is designed to hold liquids for use other than storage; or

3. The waste is household waste.

(c) For purposes of this section:



1. "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

2. "Gas condensate" means the liquid generated as a result of gas recovery process(es) at the landfill unit.

~~(10)~~ Variances, waivers, and alternative compliance schedules which may be granted under these Rules, Chapter 391-3-4, may not allow a requirement or compliance schedule which is less stringent than those found in 40 CFR, Part 258, as amended, 56 Fed. Reg. 51016-51039 October 9, 1991 80 Fed. Reg. 21468 (April 17, 2015); as amended at 80 Fed. Reg. 3799 (July 2, 2015) and 81 Fed. Reg. 51807 (August 5, 2016).

(11) Compliance with the Rules for Solid Waste Management, Chapter 391-3-4, does not relieve any person from complying with all other applicable local, state, or federal rules or statutes.

Authority O.C.G.A. § 12-8-20 et seq., as amended.

## **Rule 391-3-4-.07 Landfill Design and Operations**

(1) All landfills must be designed by a professional engineer registered to practice in Georgia and designed in accordance with the following criteria:

(a) Site limitations: the landfill must be designed in such a manner as to comply with the specific site limitations issued by the Division as a part of a site approval.

(b) Buffers: ~~facilities which have submitted a permit application to the Division prior to July 1, 1991 must provide a minimum 100 foot buffer between the property line and the waste disposal boundary. All other~~ facilities must provide a minimum 200 foot buffer between the waste disposal boundary and the property line and a minimum 500 foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence of the date of permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. The waste disposal boundary is defined as the limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices). No land disturbing activities are to take place in these buffers, except for construction of groundwater monitoring wells and access roads for direct ingress or egress, unless otherwise specified in a facility design and operation plan or corrective action plan approved by the Division.

(c) Site survey control shall be provided to ensure the operation will be on permitted lands. Survey control will be accomplished through use of permanent, accessible benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted areas. Survey control shall be as indicated on the design and operational plan. Where necessary for construction or operational purposes, vertical as well as horizontal survey control will be established and maintained to delineate fill boundaries, buffers, and property boundaries.

(d) Liners and Leachate Collection Systems: new MSWLF units and lateral expansions shall be constructed with liners and leachate collection systems. The liner and leachate collection system must ensure that the concentration values listed in Table 1 will not be exceeded in the uppermost aquifer at the relevant point of compliance. The liner and leachate collection system must be designed and installed under the supervision of a professional engineer registered to practice in Georgia who shall certify the installation.

**TABLE 1**

<b>Chemical</b>	<b>MCL(mg/l)</b>
Arsenic	0.05
Barium	1.0
Benzene	0.005
Cadmium	.01
Carbon tetrachloride	0.005
Chromium (hexavalent)	0.05



2, 4 - Dichlorophenoxy acetic acid	0.1	
1, 4 - Dichlorobenzene	0.075	
1, 2 - Dichloroethane	0.005	
1, 1 - Dichloroethylene		0.007
Endrin	0.0002	
Fluoride	4	
Lindane	0.004	
Lead	0.05	
Mercury	0.002	
Methoxychlor	0.1	
Nitrate	10	
Selenium	0.01	
Silver	0.05	
Toxaphene	0.005	
1, 1, 1-Trichloromethane	0.2	
Trichloroethylene	0.005	
2, 4, 5- Trichlorophenoxy acetic acid	0.01	
Vinyl Chloride		0.002

1. If the MSWLF is located in an area of higher pollution susceptibility, as defined by Hydrologic Atlas #20, A Pollution Susceptibility Map of Georgia, or in a significant ground water recharge area as designated by Hydrologic Atlas #18, the liner and leachate collection system must, at a minimum, be designed with:

a. a composite liner, as defined in paragraph c. of this section and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner.

b. at least a five foot separation between the ~~synthetic~~ liner system and the seasonal high ground water elevation.

c. For purposes of this section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. FML components consisting of High Density Polyethylene (HDPE) shall be at least 60- mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.

2. The relevant point of compliance shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the MSWLF unit. In determining the relevant point of compliance, the Division shall consider at least the following factors:

a. The hydrogeologic characteristics of the facility and surrounding land:

- b. The volume and physical and chemical characteristics of the leachate;
- c. The quantity, quality, and direction, of flow of ground water;
- d. The proximity and withdrawal rate of the ground-water users;
- e. The availability of alternative drinking water supplies;
- f. The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water and whether groundwater is currently used or reasonably expected to be used for drinking water;
- g. Public health, safety, and welfare effects; and
- h. Practicable capability of the owner or operator.

3. For MSWLF units not located in significant ground water recharge areas or areas of higher pollution susceptibility, liners and leachate collection systems may meet a design standard other than that specified in subparagraph (1)(d) 1. of this Rule, so long as such design ensures that the concentration values listed in Table 1 of this Rule will not be exceeded in the uppermost aquifer at the relevant point of compliance. The factors listed in subparagraph 2. above for determining the relevant point of compliance, shall also be used in determining the suitability of the liner and leachate collection system design.

(e) Erosion and Sedimentation Control: all surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or devices. Sediment basins must be designed to handle both the hydraulic loading for the 25 year, 24-hour storm and the sediment loading from the drainage basin for the life of the site. Runoff from the facility must be designed for flow through permanent sediment control impoundments which are designed to assure discharges meeting the requirements of O.C.G.A. 12-7-6(18).

(f) Vegetation: the plan must call for the vegetation of any disturbed area that will remain exposed for more than three (3) months. Vegetation of final cover must take place within two (2) weeks after final cover placement.

(g) Sequence of Filling: the plan must define a sequence of filling showing a detailed progression of filling the entire site that minimizes any problems with drainage and all weather access roads to the working face.

(h) Limited Access: a gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an operator is not on duty. A fence or other suitable barrier must be provided around the site, including impoundments, leachate collection and treatment systems and gas venting and processing facilities, sufficient to prevent unauthorized access.



(i) Final Grading: the grade of final slopes shall be designed to:

1. insure permanent slope stability;
2. control erosion due to rapid water velocity and other factors;
3. allow compaction, seeding, and vegetation of cover material placed on the slopes;
4. minimize percolation of precipitation into final cover and provide diversion of surface runoff from disposal area; and
5. meet the final closure requirements of Rule 391-3-4-.11.
6. the grade of the final surface of the facility may not be less than 3 percent nor greater than 33 percent.

(j) Access Roads: access roads shall be designed to provide for the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.

(k) Fire Protection: the disposal site must be designed to prevent and minimize the potential for fire or explosion. A minimum supply of one day of cover material must be maintained within 200 feet of the working face for fire fighting purpose, unless other acceptable means have been provided and approved by the Director.

(l) Ground water and Surface water Monitoring Plan: the design must provide for a groundwater monitoring plan in accordance with the requirements for GroundWater Monitoring and Corrective Action as provided in Rule 391-3-4-.14. A surface water monitoring plan which will determine the impact of the facility on all adjacent surface waters must also be included.

(m) Closure Criteria: the design must provide for proper closure in accordance with Rule 391-3-4-.11.

(n) Post-Closure Care: the design must provide for Post-closure care in accordance with Rule 391-3-4-.12.

(o) Financial Responsibility: the design must provide for financial responsibility in accordance with Rule 391-3-4-.13.

(2) Construction Certification: upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to receipt of solid waste, the Division must be provided with written certification by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division,

within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence disposal of solid waste. This process shall be repeated for each subsequent major construction phase, including but not limited to, new ~~cellseals or trenches~~, additional monitoring wells, sediment ponds, leachate treatment systems, modifications adding a new solid waste handling process, and application of final cover.

(3) Any person engaged in the operation of landfills shall comply with the following performance requirements:

(a) Air Criteria.

1. Owners or operators of all ~~MSWLFs~~ landfills must ensure that the units not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the U.S. Environmental Protection Agency pursuant to Section 110 of the Clean Air Act, as amended.

2. Open burning of solid waste, except for the infrequent burning of agricultural wastes, silvicultural wastes, landclearing debris, diseased trees, or debris from emergency cleanup operations, is prohibited at all ~~MSWLF units~~ landfills.

(b) Unloading: solid waste unloading shall be restricted to the working face of the operation in such manner that waste may be easily incorporated into the landfill with available equipment.

(c) Procedures for excluding receipt of prohibited wastes:

1. Not later than October 1, 1993, owners or operators of all landfills must implement a program at the facility for detecting and preventing the disposal of regulated quantities of hazardous wastes as defined in the Rules for Hazardous Waste Management, Chapter 391-3-4-11, polychlorinated biphenyls (PCB) wastes as defined in 40 CFR, Part 761, and other wastes prohibited by Rule 391-3-4-.04, or the facility's permit. This program must include, at a minimum:

a. random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain prohibited wastes:

b. records of any inspections:

c. training of facility personnel to recognize prohibited wastes; and

d. notification of the Director if a prohibited waste is discovered at the facility.

2. The procedures must be made a part of the operating record.



(d) Spreading and Compaction: solid waste shall be spread in uniform layers and compacted to its smallest practical volume before covering with earth.

(e) Daily Cover:

1. Except as provided in paragraph 2. of this section, the owner or operator of all MSWLF units must cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.

2. Alternative materials (such as foams or tarps) of an alternative thickness (other than at least six inches of earthen material) may be approved by the Director if the owner or operator demonstrates that the alternative material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.

(f) Disease Vector Control.

1. Owners or operators of all ~~MSWLF units~~ landfills must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and environment.

2. For purposes of this Rule, "disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

(g) Intermediate Cover: a uniform compacted layer of clean earth cover not less than one (1) foot in depth shall be placed over each portion of any intermediate lift following completion of that lift.

(h) Explosive Gases Control.

1. Owners or operators of all ~~MSWLF units~~ landfills that are required to do methane monitoring under their permits must ensure that:

a. The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components); and

b. The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

2. Owners or operators of all ~~MSWLF units~~ landfills that are required to do methane monitoring must implement a routine methane monitoring program to ensure that the standards of this section are met. Copies of the monitoring results must be provided to the Division within 14 days of completion of the event. Results must be submitted on forms provided by the Division.

a. The type and frequency of monitoring must be determined based on the following factors:

(i) Soil conditions:

(ii) The hydrogeologic conditions surrounding the facility;

(iii) The hydraulic conditions surrounding the facility;

(iv) The location of facility structures and property boundaries.

b. The minimum frequency of monitoring must be quarterly.

3. If methane gas levels exceeding the limits specified in this section are detected, the owner or operator must:

a. Immediately take all necessary steps to ensure protection of human health and notify the Director;

b. Within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and

c. Within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the Director that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.

4. For purposes of this section, lower explosive limit means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25°C and atmospheric pressure.

(i) Run-on/Run-off Control.

1. Owners or operators of all ~~MSWLF units~~ landfills must design, construct, and maintain:

a. A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm;

b. A run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

2. Run-off from the active portion of the landfill unit must be handled in accordance with section (g) of this Rule.

(j) Surface water requirements; ~~MSWLF units~~ All landfill units shall not:



1. Cause a discharge of pollutants into waters of the state or the United States, including wetlands, that violates any requirements of the Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination system (NPDES) requirements pursuant to section 402:

2. Cause the discharge of a nonpoint source of pollution to waters of the state or the United States, including wetlands, that violates any requirement of an area-wide or State-wide water quality management plan that has been approved under section 208 or 319 of the Clean Water Act, as amended.

(k) Continuity of Operation: all-weather access roads shall be provided to the working face of the disposal operation and provisions shall be made for prompt equipment repair or replacement when needed.

(l) Environmental Protection: the landfill shall be operated in such manner as to prevent air, land, or water pollution, and public health hazards.

(m) Prohibited Waste: no liquids, except as allowed in subparagraph (9) of Rule 391-3-4-.04 lead acid batteries, radioactive waste, or regulated quantities of hazardous waste may be accepted. The operator must have a plan for excluding these wastes.

(n) Supervision: the disposal facility shall be under the supervision of an operator who is properly trained in the operation of landfills and the implementation of Design and Operational Plans and who, if the facility is a municipal solid waste disposal facility, is certified in accordance with O.C.G.A. 12-8-24.1 and these Rules.

(o) Limited Access: access to landfills shall be limited to authorized entrances which shall be closed when the site is not in operation. Owners and operators of all landfills must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

(p) Litter Control: scattering of wastes by wind shall be controlled by fencing or other barriers and the entire site shall be inspected daily and all litter removed.

(q) Fire Protection: suitable measures to control fires that may start shall be provided. Stockpiled soil is considered to be the most satisfactory fire fighting material.

(r) Erosion and Sedimentation Control: all erosion and sedimentation control measures or facilities, whether temporary or permanent, shall be continuously maintained by the operator so as to be effective. Runoff from the facility must be directed to permanent sediment control impoundments which are designed to assure discharges meeting the requirements of O.C.G.A.12-7-6(48). Erosion and sedimentation control measures and facilities will be employed prior to and concurrent with clearing, grading, overburden removal, access or other land

disturbing activities for preparation of the site for landfilling. Immediate measures must be implemented to establish vegetation on disturbed exposed soil which will not be a part of the waste disposal area or which will remain exposed for more than three (3) months.

(s) Information Posted: signs shall be posted at the entrance to landfills indicating the days and hours of operation.

(t) Prohibited Acts: the landfill shall be operated and maintained to prevent open burning, scavenging, and the open dumping of wastes.

(u) Recordkeeping Requirements.

1. Not later than October 1, 1993, the owner or operator of a MSWLF unit must record and retain near the facility in an operating record or in an alternative location approved by the Director the following information as it becomes available:

a. Any location restriction demonstration required under Rule 391-3-4-.05;

b. Inspection records, training procedures, and notification procedures required in subparagraph (c) of this Rule;

c. Gas monitoring results from monitoring and any remediation plans required by paragraph (h) of this section;

d. Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under paragraph (9) of Rule 391-3-4-.04;

e. Any demonstration, certification, finding, monitoring, testing, or analytical data required by Rule 391-3-4-.14;

f. Closure and post-closure care plans and any monitoring, testing, or analytical data as required by Rule 391-3-4-.11 and Rule 391-3-4-.12; and

g. Any cost estimates and financial assurance documentation required by Rule 391-3-4-.13.

2. The owner/operator must notify the Director when the documents from paragraph 1. of this section have been placed or added to the operating record, and all information contained in the operating record must be furnished on request to the Director or be made available at all reasonable times for inspection by the Director.

3. The Director can set alternative schedules for recordkeeping and notification requirements as specified in paragraphs 1. and 2. of this section, except for the notification requirements in Rule 391-3-4-.05(1) (c), Airport Safety, and Rule 391-3-4-.14 (30) (a) 3, Assessment Monitoring.



(v) Groundwater, Underdrain Discharge, and Surface Water Monitoring: all water monitoring points shall be sampled in accordance with the approved plans or with any directive issues by the Division. Analytical results must be submitted to the Division in accordance with the approved time schedules. It shall be the responsibility of the facility owner or operator to promptly report any exceedance of established standards. All monitoring reports must be accompanied by a certified statement by a qualified groundwater scientist certifying, for those constituents which have established standards, that established standards have been complied with or certifying noncompliance. Underdrain discharge shall comply with surface water monitoring standards.

(w) Survey Control: survey control shall be provided by the owner and/or operator as indicated on the approved design and operational plan. Site survey control shall be provided to ensure the operation will be on permitted lands. Survey control will be accomplished through use of permanent, accessible benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted areas. Where necessary for construction or operational purposes, vertical as well as horizontal survey control will be established and maintained to delineate fill boundaries, buffers, structural designs, and property boundaries.

(x) Additional Stipulations: notwithstanding the above, additional stipulations for owning or operating a landfill may be imposed by the Director as deemed necessary to carry out the purposes of O.C.G.A. 12-8-20, et seq.

#### (4) Other Disposal Operations.

(a) Industrial Waste Disposal Facilities: industrial waste disposal facilities permitted to receive only a single type industrial waste (monofil) or receive only a single industry's waste may be given a variance by the Director from installing liners and leachate collection systems, applying daily cover, installing ground water and surface water monitoring systems and monitoring for methane gas if the applicant can demonstrate to the satisfaction of the Director that the waste to be disposed of would not cause odors or be attractive to disease vectors or birds or generate methane gas. Unless a variance is granted, the applicant must demonstrate compliance with all applicable provisions of this Rule. Disposal facilities accepting wastes from more than one industrial source, unless the facility is a monofil, must meet all standards applicable to municipal solid waste landfills in Chapter 391-3-4. CCR Units are exempt from the requirements of this Rule and must meet requirements in Rule 391-3-4-.10.

(b) Construction/Demolition Facilities: disposal facilities permitted to receive only construction and demolition wastes, unless such waste includes household waste, may be given a variance by the Director from installing liners and leachate collection systems and applying daily cover if the applicant can demonstrate to the satisfaction of the Director that the waste to be disposed of would not cause odors or be attractive to disease vectors or birds. Unless a variance is granted, the applicant must demonstrate compliance with all applicable provisions of this Rule. All other provisions of Chapter 391-3-4 applicable to municipal solid waste landfills must be met.

(c) Inert Waste Landfill Facilities: disposal facilities are permitted to receive only waste that will not or is not likely to produce leachate of environmental concern. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill. Inert waste landfill facilities must be designed by a professional engineer registered to practice in Georgia to comply with the following standards:

1. Buffers: No portion of waste disposal area shall be located within one hundred (100) linear feet of any property line or enclosed structure.
2. Survey Control: site survey control shall be provided to ensure the operation will be on permitted lands. Survey control will be accomplished through use of permanent, accessible benchmarks, survey control stakes, and/or boundary markers which designate and/or delineate all permitted areas. Survey control shall be as indicated on the design and operational plan. Where necessary for construction or operational purposes, vertical as well as horizontal survey control will be established and maintained to delineate fill boundaries, buffers, and property boundaries.
3. Siting: waste shall not be located in wetlands or floodplains, and waste shall not be placed within five feet of the permanent water table. A demonstration must be included in the design and operational plan on how these requirements will be met.
4. Explosive Gases Control: the plan must implement a routine methane monitoring program to ensure that the concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane for on-site enclosed structures and does not exceed the lower explosive limit for methane at the facility property boundary. The type of monitoring must be determined based on the following factors: soil conditions; the hydrogeologic conditions surrounding the facility; the hydraulic conditions surrounding the facility; and the location of facility structures and property boundaries. The minimum frequency of monitoring must be quarterly. If methane gas levels exceeding the limits specified in this section are detected, the owner or operator must: immediately take all necessary steps to ensure protection of human health and notify the Director; within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the Director that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy. If a facility can demonstrate that no organic component of the inert waste stream has been accepted or will be accepted in the future, a variance from the explosive gases control requirements may be requested for review with the application for inert waste landfill permit request.
5. Sequence of Filling: the plan must define a sequence of filling showing a detailed progression of filling the entire site that minimizes any problems with drainage and all weather access roads to the working face.



6. Spreading/Compaction/Monthly Cover: materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed inert waste material at least monthly.
7. Erosion and Sedimentation Control: all surface runoff from disturbed areas must be controlled by use of appropriate erosion and sedimentation control measures or devices. Best management practices (BMPs) from the Manual for Erosion and Sediment Control in Georgia should be utilized.
8. Vegetation: the plan must call for the vegetation of any disturbed area that will remain exposed for more than three (3) months. Vegetation of final cover must take place within two (2) weeks after final cover placement.
9. Fire Protection: suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory fire fighting material. A minimum of one month of cover material must be maintained within 200 feet of the working face for fire fighting purpose, unless other acceptable means have been provided and approved by the Director.
10. Limited Access: access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
11. Final Grading: the inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill. The grade of the final surface of the facility may not be less than 3 percent nor greater than 33 percent.
12. Final Cover: a uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.
13. Final Closure: notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
14. Deed Notice: all deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.

15. Reporting: all wastes received at the landfill must be measured and reported as required by Rule 391-3-4-.17.

16. Post-Closure Care: the design must provide for post-closure care for a minimum of thirty (30) years. If a demonstration can be made that the site is no longer producing methane, the post closure care period may be reduced, but in no circumstance shall it be reduced to less than 5 years.

17. Financial Responsibility: the design must provide for financial responsibility in accordance with Rule 391-3-4-.13.

18. Other Laws: compliance with all other applicable federal, state, and local laws, rules, and ordinances, including local zoning, land use ordinances, and any applicable federal wetlands permits, must be demonstrated in the application for solid waste handling.

(d) Construction and operation of a solid waste handling facility for which specific rules have not been developed is prohibited unless same are consistent with the policies and intent of O.C.G.A. 12-8-20, et. seq., and are permitted by the Director.

(5) CCR Management Plan. Owners or operators of MSWLs and Commercial Industrial Landfills must incorporate a CCR management plan into the facility's Design and Operational Plan before the initial receipt of CCR. MSWLs and Commercial Industrial Landfills that accepted CCR before the effective date of the Rule and will continue to accept CCR after the effective date must incorporate a CCR management plan into the facility's Design and Operational Plan by minor modification 180 days from the effective date of the Rule. The owner or operator shall notify the local governing authorities of any city and county in which the landfill is located upon the submittal of the CCR Management Plan by EPD.

Authority: O.C.G.A. § Section 12-8-20 et seq.



## **Rule 391-3-4-10 Coal Combustion Residuals.**

### **(1) Applicability.**

#### **(a) This Rule applies to the following:**

1. Owners and operators of new and existing landfills and surface impoundments, including any lateral expansions of such units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers. Unless otherwise provided in this Rule, these requirements also apply to disposal units located off-site of the electric utility or independent power producer.

2. All CCR units.

3. Any practice that does not meet the definition of a beneficial use of CCR.

#### **(b) This Rule does not apply to the following:**

1. Wastes, including fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated at facilities that are not part of an electric utility or independent power producer, such as manufacturing facilities, universities, and hospitals.

2. Fly ash, bottom ash, boiler slag, and flue gas desulfurization materials, generated primarily from the combustion of fuels (including other fossil fuels) other than coal, for the purpose of generating electricity unless the fuel burned consists of more than fifty percent (50%) coal on a total heat input or mass input basis, whichever results in the greater mass feed rate of coal.

3. CCR placement at active or abandoned underground or surface coal mines.

4. Municipal Solid Waste Landfills and Commercial Industrial Landfills that receive CCR.

(c) Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments 40 CFR 257.60 through 257.107, (80 Fed. Reg. 21468 (April 17, 2015); as amended at 80 Fed. Reg. 3799 (July 2, 2015) and 81 Fed. Reg. 51807 (August 5, 2016) are hereby incorporated. ~~effective October 19, 2015 are hereby incorporated and adopted by reference with the following exception:~~

~~1. 40 CFR 257.104 Paragraph (a)(3) is excluded.~~

(d) Any reference to 40 C.F.R. Parts in any provisions adopted by reference shall be construed to refer to the provisions contained in the following sections of these Rules:

Federal Regulation Reference

Georgia Rule Reference

40 C.F.R. Part 257.53	391-3-4-.10(2)
40 C.F.R. Parts 257.60 – 257.64	391-3-4-.10(3)
40 C.F.R. Parts 257.70 – 257.74	391-3-4-.10(4)
40 C.F.R. Parts 257.80 – 257.84	391-3-4-.10(5)
40 C.F.R. Parts 257.90 – 257.98	391-3-4-.10(6)
40 C.F.R. Parts 257.100 – 257.104	391-3-4-.10(7)
40 C.F.R. Parts 257.105 - 107	391-3-4-.10(8)

(2) Definitions.

(a) Definitions in 40 CFR 257.53 are incorporated by reference into this section and are applicable to CCR units with the following additions and revision:

1. “Dewatered Surface Impoundment” means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 and does not contain liquids on or after October 19, 2015.

2. “NPDES -CCR Surface Impoundment” means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 which still contains both CCR and liquids and is located at an electric utility or independent power producer that has ceased producing electricity prior to October 19, 2015.

3. “Inactive CCR Landfill” means a CCR landfill that no longer receives CCR and other wastes on or after October 19, 2015.

4. The following text shall be substituted for the fourth condition in the definition of Beneficial use of CCR “(4 ) For unencapsulated use of CCR, the user must demonstrate to the Division and provide documentation to the Division that environmental releases to groundwater, surface water, soil, and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil, and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.”

(3) Location Restrictions.



(a) New CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR units must meet the location restrictions in 40 CFR 257.60, 40 CFR 257.61, 40 CFR 257.62, and 40 CFR 257.63.

(b) Existing or new CCR landfills, existing or new CCR surface impoundments, or lateral expansions of a CCR unit must meet the location restrictions in 40 CFR 257.64.

(c) For new and lateral expansions of CCR units, the hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist.

(d) For new and lateral expansions of CCR units, when the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater.

(e) Buffers: New CCR units and lateral expansions of CCR units must provide a 200- foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones.

#### (4) Design Criteria.

(a) New CCR landfills and lateral expansions of CCR landfills shall be designed in accordance with 40 CFR 257.70.

(b) Existing CCR surface impoundments shall comply with liner design criteria in 40 CFR 257.71 and the structural integrity criteria in 40 CFR 247.73.

(c) New CCR surface impoundments and lateral expansions of CCR surface impoundments shall be designed and comply with requirements in 40 CFR 257.72 and 40 CFR 257.74.

#### (5) Operating Criteria.

(a) CCR landfills shall be operated in accordance with the criteria in 40 CFR 257.80, 40 CFR 257.81, and 40 CFR 257.84.

(b) CCR surface impoundments shall be operated in accordance with the criteria in 40 CFR 257.80, 40 CFR 257.82, and 40 CFR 257.83.

(c) The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit.

(6) Groundwater Monitoring and Corrective Action.

(a) CCR units are subject to the groundwater monitoring and corrective action requirements in 40 CFR 257.90, 40 CFR 257.91, 40 CFR 257.93, 40 CFR 257.94, 40 CFR 257.95, 40 CFR 257.96, 40 CFR 257.97, and 40 CFR 257.98.

(b) When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.

(c) The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.

(d) The Division must provide concurrence with the following actions in order for them to be complete:

1. Groundwater monitoring system design
2. Groundwater sampling and analysis plan
3. Groundwater monitoring well installation
4. Alternate source demonstration
5. Selection of remedy
6. Completion of remedy

(e) The Director may require the analysis of additional parameters based on waste descriptions.

(f) An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.

(g) Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with subparagraph (4)(b)7 of Rule 391-3-4-.02 prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.

(7) Closure and Post-Closure Care.

(a) Inactive surface impoundments are subject to the requirements in 40 CFR 257.100.



1. The following additional requirements apply to inactive surface impoundments that complete closure requirements in 40 CFR 257.100(b)(1) through (b)(4) no later than April 17, 2018:
  - (i) Permitting requirements in Rule 391-3-4-.10(9)
  - (ii) Groundwater monitoring and corrective action requirements in Rule 391-3-4-.10(6)
2. CCR surface impoundments that complete closure through removal of CCR and meet all of the requirements of 40 CFR 257.100 (b)(5) no later than April 17, 2018 are subject only to the requirements in subparagraph (9)(c)6(v)(I) of Rule 391-3-4-.10.
  - (b) Closure or retrofit of existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.101, 40 CFR 257.102, and 40 CFR 257.103.
  - (c) The owner or operator must close the CCR unit in accordance with the written closure plan.
  - (d) A notice of intent to close must be provided to the Director after receipt of the final load of waste.
  - (e) Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.
  - (f) Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.
  - (g) Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions:
    1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) is subject to the post- closure care criteria in 40 CFR 257.104.
    2. CCR units must comply with the conditions of the solid waste handling permit.
    3. The release of CCR units from post-closure care must be approved by the Division.
- (8) Recordkeeping, Notification, and Posting of Information to the Internet.

(a) The requirements of 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107 are incorporated by reference with the following addition:

1. Electronic mail sent to a designated EPD recipient is an authorized form of notification when approved by EPD.

(9) Permits.

(a) CCR Permit Applications: After the effective date of this Rule, owners and operators of all CCR units are required to submit to the director a permit application that meets the requirements of this Rule. Separate permits are required for each CCR unit.

1. Owners and operators of new CCR units are required to submit to the director a complete permit application prior to the initial receipt of CCR.

2. Owners and operators of all CCR units shall submit a complete CCR permit application no later than two years from the effective date of the Rule.

~~3. Owners and operators of CCR units with existing solid waste handling permits on the effective date of the Rule must submit an application for Major Modification.~~

(b) All CCR unit permit applications must include the following:

1. A completed form designated by EPD.

2. Written verification that the site conforms to all local zoning or land use ordinances.

3. Property boundary survey and legal description.

4. Financial assurance mechanism meeting the criteria in Rule 391-3-4-.13.

5. A qualified professional engineer's certification that all application requirements have been met.

(c) Additional permit application requirements for CCR Units by Facility Type:

1. New CCR landfills or lateral expansion of CCR landfills

(i) Technical data and report to comply with location restrictions in 40 CFR 257.60, 40 CFR 257.61, 40 CFR 257.62, 40 CFR 257.63, and 40 CFR 257.64.

(ii) Siting report that meets the criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix A. The report shall be prepared by a qualified groundwater scientist.



- (iii) Plan and profile sheets of the disposal area. The plan and profile sheets shall include topographical maps at contour intervals of not more than five feet for the existing ground surface elevations, initial disposal area elevations, final disposal area elevations, and buffers.
  - (iv) Design of a liner and leachate collection system as required by 40 CFR 257.70.
  - (v) Quality assurance/quality control (QA/QC) plan for the construction of the liner system, leachate collection system, and the final cover system.
  - (vi) An operation plan that includes at a minimum:
    - (I) A fugitive dust plan in compliance with 40 CFR 257.80.
    - (II) A run-on and run-off control plan in compliance with 40 CFR 257.81.
    - (III) Inspection requirements in compliance with 40 CFR 257.84.
    - (IV) Identification of any uniquely associated wastes as listed in 40 CFR 261.4(b)(4), the estimated quantities generated by the facility, and a description of how these wastes will be managed.
    - (V) Procedures for compliance with recordkeeping, notification, and posting of information to the internet as required by 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107.
    - (VI) Procedures for updating all plans and assessments periodically as required by 40 CFR Part 257.
  - (vii) A groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).
  - (viii) A closure and post-closure plan in accordance with Rule 391-3-4.10(7).
  - (ix) Any additional information that may be required by the Division.
2. New Surface Impoundments or lateral expansions of surface impoundments
- (i) Technical data and report to comply with location restrictions in 40 CFR 257.60, 40 CFR 257.61, 40 CFR 257.62, 40 CFR 257.63, and 40 CFR 257.64.
  - (ii) Siting report that meets the criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix A. The report shall be prepared by a qualified groundwater scientist.
  - (iii) Technical report for the hazardous potential classifications as outlined in 40 CFR 257.74 and the emergency action plan if required by 40 CFR 257.74.

(iv) For a new CCR surface impoundment that has a height of five feet or more and a storage volume of 20 acre-feet or more, or a surface impoundment with a height of 20 feet or more, the application shall include the following:

(I) Design and construction plan requirements in 40 CFR 257.74.

(II) Structural stability assessment as required by 40 CFR 257.74.

(III) Safety factor assessment as required by 40 CFR 257.74.

(v) Design of a liner system as required by 40 CFR 257.72.

(vi) Quality assurance/quality control (QA/QC) plan for the construction of the liner system, leachate collection system, and the final cover system.

(vii) An operation plan that includes at a minimum:

(I) A fugitive dust plan in compliance with 40 CFR 257.80.

(II) An inflow design flood control system in compliance with 40 CFR 257.82.

(III) Inspection requirements in compliance with 40 CFR 257.83.

(IV) Identification of any uniquely associated wastes as listed in 40 CFR 261.4(b)(4), the estimated quantities generated by the facility, and a description of how these wastes will be managed.

(V) Procedures for compliance with recordkeeping, notification, and posting of information to the internet as required by 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107.

(VI) Procedures for updating all plans and assessments periodically as required by 40 CFR Part 257.

(viii) A groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).

(ix) A closure and post-closure plan in accordance with Rule 391-3-4-.10(7).

(x) Any additional information that may be required by the Division.

### 3. Existing CCR landfills

(i) Location restriction demonstration requirements in 40 CFR 257.64.

(ii) Description of how the CCR landfill's operating criteria requirements in 40 CFR 257.80, 40 CFR 257.81, and 40 CFR 257.84 are met.



(iii) Groundwater monitoring plan in accordance with 391-3-4-.10(6). Explanation of how groundwater monitoring and corrective action criteria requirements in 40 CFR 257.90,

40 CFR 257.91, 40 CFR 257.93, 40 CFR 257.94, 40 CFR 257.95, 40 CFR 257.96, 40 CFR 257.97, and 40 CFR 257.98 are met.

(iv) Explanation of how closure and post-closure care requirements in 40 CFR 257.101, 40 CFR.102, 40 CFR 257.103, and 40 CFR 257.104 will be met.

(v) Website address for information required to be posted by 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107.

4. Inactive CCR landfills must meet requirements subparagraphs (9)(c)3.(i) – (iv) of this Rule for an existing CCR landfill.

#### 5. Existing Surface Impoundments

(i) Location restriction demonstrations required by 40 CFR 257.60, 40 CFR 257.61, 40 CFR 257.62, 40 CFR 257. 63, and 40 CFR 257.64.

(ii) Description of the CCR surface impoundment's design criteria required by 40 CFR 257.71 and 40 CFR 257.73.

(iii) Description of how the CCR surface impoundment's operating criteria required by 40 CFR 257.80, 40 CFR 257.82, and 40 CFR 257.83 are met.

(iv) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6). Explanation of how groundwater monitoring and corrective action criteria required by 40 CFR 257.90, 40 CFR 257.91, 40 CFR 257.93, 40 CFR 257.94, 40 CFR 257.95, 40 CFR 257.96, 40 CFR 257.97, and 40 CFR 257.98 are met.

(v) Explanation of how closure and post-closure care requirements found in 40 CFR 257.101, 40 CFR.102, 40 CFR 257.103, and 40 CFR 257.104 will be met.

(vi) Website address for information required to be posted by 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107..

6. Inactive Surface Impoundments. An owner or operator of an inactive surface impoundment shall complete closure of the CCR unit as specified in 40 CFR 257.100 no later than April 17, 2018 or submit a permit application for an existing CCR surface impoundment, including:

(i) Technical data and report showing compliance with 40 CFR 257.100.

(ii) Technical report of geological and hydrogeological units within the disposal site.

(iii) Potentiometric surface map of the water table.

(iv) Siting report which includes identification of wetlands, floodplains, and seismic impact zones.

(v) Written closure plan that includes at a minimum:

(I) Narrative describing how the CCR unit will be closed including the elimination of free liquids and stabilization of remaining waste or by closure through removal of CCR.

(II) Identification of any pipes, utilities, or other penetrations through or beneath the impoundment. The inspection frequency and method of evaluation should be provided.

(III) Final cover analysis.

(vi) Stability analysis that, at a minimum, includes the following:

(I) On-site or local soil conditions that may result in significant differential settling.

(II) On-site or local geologic or geomorphologic features.

(III) On-site or local human-made features or events, both surface and subsurface.

(vii) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).

(viii) Closure through removal of CCR is subject only to (v)(I) above and is not subject to the financial assurance requirements of Rule 391-3-4-.13.

## 7. NPDES – CCR Surface Impoundments

(i) Technical report of geological and hydrogeological units within the disposal site.

(ii) Potentiometric surface map of the water table.

(iii) Siting report which includes identification of wetlands, floodplains, and seismic impact zones.

(iv) Closure plan that includes at a minimum:

(I) Narrative describing how the CCR unit will be closed including the elimination of free liquids and stabilization of remaining waste or by closure through removal of CCR.



(II) Identification of any pipes, utilities, or other penetrations through or beneath the impoundment. The inspection frequency and method of evaluation should be provided.

(III) Final cover analysis.

(v) Stability analysis that at a minimum includes the following:

(I) On-site or local soil conditions that may result in significant differential settling.

(II) On-site or local geologic or geomorphologic features.

(III) On-site or local human-made features or events, both surface and subsurface.

(vi) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).

(vii) Closure through removal of CCR is subject only to (iv)(I) above and is not subject to the financial assurance requirements of Rule 391-3-4-.13.

## 8. Dewatered Surface Impoundments

(i) Demonstration that closure procedures have minimized the threat to human health and the environment.

(ii) Stability analysis.

(iii) Final cover analysis.

(iv) Groundwater monitoring plan in accordance with Rule 391-3-4-.10(6).

(10) Financial Assurance.

(a) All CCR units must meet requirements in Rule 391-3-4-.13.

(11) Variances.

(a) A compliance schedule variance for CCR units not meeting the minimum criteria may be considered upon the following:

1. A demonstration that no alternative units meeting the minimum requirement either on- site or off-site can be used to dispose of the CCR or non-CCR wastewater;

2. A demonstration that the owner or operator is unable to use other public or private alternatives to manage the waste in the non-compliant unit; and

3. The schedule of compliance must specify remedial measures and an enforceable sequence of actions or operations leading to compliance within a reasonable time not to exceed time frames as specified in 40 CFR 257.102.

(b) Other variances may be granted under Rule 391-3-4-10 which are not less stringent than those found in 40 CFR 257.60 through 257.107; ~~effective on October 19, 2015.~~

Authority: O.C.G.A. § Secs. 12-8-20 et seq., as amended.